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ABSTRACT

This teacher's guide is part of a media package that also includes 5 video dramas, a 2 CD-ROM set, and a set of 30 student resource portfolios. The teacher's guide contains a semester of learning activities; the five video dramas use real-life situations to illustrate and teach civic events; the student resource portfolios have more than 40 printed resources for the lessons; and the 2 CD-ROM set has an extensive survey of the 200 years of U.S. government and the roots of today's civil society. The package is a comprehensive high school course grounded in the principles and practices of U.S. constitutional democracy. The program places heavy emphasis on learning civics within the contexts of schools, homes, and workplaces and through authentic instruction and collaborative learning. The course is based on the five organizing questions of the National Standards for Civics and Government and the five competencies identified in the Secretary's Commission on Achieving Necessary Skills (SCANS) Report. The course focuses on the institutions of government, the rights and responsibilities of citizens, and the political participation of individuals and groups under the Constitution. The teacher's guide along with the student resources offers the core foundation for 80 lesson plans. Each 8-day unit is a collection of activities and assignments. The curriculum's five modules are divided into 10 units. Modules include: (1) "What is Government and What Should It Do?"; (2) "Basic Values and Principles of American Democracy"; (3) "The Constitution and Principles of American Democracy"; (4) "The Relationship of the United States to Other Nations and to World Affairs"; and (5) "The Roles of the Citizen in American Democracy." A list of 25 additional related Internet resources and a textbook correlation chart conclude the guide. (EH)

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CIVICS™ at Work

People, Government, and a Civil Society

SO 027 375

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TEACHER'S GUIDE

CIVICS™ at Work

People, Government, and a Civil Society

AIT
AGENCY FOR INSTRUCTIONAL TECHNOLOGY
with the cooperation of the Center for Civic Education

AGENCY FOR INSTRUCTIONAL TECHNOLOGY
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CIVICS AT WORK: A New Learning Experience for Students of Government and Citizenship in the United States of America

Civics at Work is a comprehensive secondary school course on the principles and practices of constitutional democracy in the United States of America. It treats the institutions of government, the rights and responsibilities of citizens, and the political participation of individuals and groups under the Constitution. The materials are sufficient for a civics/government curriculum when used with recommended resources.

Civics at Work reflects current trends and standards on the teaching and learning of civics and government. The contents and processes are based on the acclaimed National Standards for Civics and Government developed by the Center for Civic Education in association with committees of leading scholars and educators. Further, these materials are compatible with the framework of the National Assessment of Educational Progress (NAEP) in civics, and the five competencies for effective workers identified in SCANS. NAEP studies will be conducted in 1998 to gauge the civic knowledge and skills of American students at grades 4, 8, and 12.

Civics at Work enables students to use core concepts of democratic theory to organize and interpret information about government and citizenship. These concepts—such as democracy, constitutionalism, authority, individual rights, civil society, ordered liberty, common good, and so forth—bring coherence and comprehension to teaching and learning about government and citizenship in the United States of America. And these core concepts are keys to inquiry about the enduring questions of civic life, which pertain to the purposes and practices—the ends and means—of government, civil society, political behavior, and citizenship.

Students of *Civics at Work* are systematically challenged to apply core concepts to current and basic public issues and problems pertaining to ongoing tensions in a constitutional democracy between majority rule and minority rights, liberty and equality, liberty and order, and private rights and the public good. As they use knowledge to respond to issues and questions in a number of community and workplace contexts, students develop cognitive skills through lessons that require intellectually active learning. As specified by the National Standards for Civics and Government, students of *Civics at Work* develop intellectual skills of identifying, exploring, and evaluating ideas, information, and practices. Further, they learn how to take a position in response to an issue, how to defend it, and how to evaluate it in comparison to the different positions of others.

Students also are exposed to skills of civic participation that involve monitoring and influencing politics and government. Further, they deal with democratic civic dispositions or virtues, such as civility, cooperation, leadership, toleration, patriotism, responsibility, and respect for the worth and dignity of the person.

Civics at Work teaches basic civic knowledge, skills, and dispositions or virtues through various instructional procedures and technologies. This instructional variety arouses and sustains student interest in the subject matter.

Civics at Work brings vitality, drama, diversity, and academic vigor to a core subject of the school curriculum. It makes a valuable contribution to the development of responsible citizenship for the preservation and improvement of our civic heritage of constitutional democracy.

—John J. Patrick
Director of the Social Studies Development
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at Indiana University, Bloomington

CIVICS AT WORK

Civics at Work*– *People, Government, and a Civil Society takes an active approach to civics and government instruction. It is based on the five organizing questions of the National Standards for Civics and Government, which also served as the basis for the NAEP Civics Assessment. This project was developed with the cooperation of the Center for Civic Education in Calabasas, California, which was responsible for the production of the National Standards and was a key player in the NAEP Civics Assessment. *Civics at Work* is a curriculum that is robust with rich experiences, relying largely on electronic and nontraditional resources rather than textbooks. Its activities and resources may also be used to bring life to an existing textbook-driven curriculum.

Civics at Work embraces several educational initiatives, including SCANS and School-to-Careers in its design and in its approach to instruction and audience. This program places heavy emphasis on learning civics within contexts such as schools, homes, and workplaces, as well as authentic instruction and collaborative learning. Program materials are ideal for a diverse range of students.

COMPONENTS OF *CIVICS AT WORK*— PEOPLE, GOVERNMENT, AND A CIVIL SOCIETY

- Teacher's Guide
- 5 Video Programs
- Student Resource Portfolio
- Internet Resources
- 2 CD-ROM Set

Resource or Curriculum

Civics at Work contains activities and materials sufficient to provide a rich, semester-long civics experience. It provides students not with a textbook but with a series of civics experiences—via video, CD-ROM, case study, field activity, and applied civics research using library and Internet resources.

The materials may also be used to support an existing civics and government program. Each of the ten units begins with "Concept Keywords," a list of terms and concepts that facilitate correlating *Civics at Work* resources with existing curricular materials. (The same lists appear after the table of contents in this guide).

Civics at Work learning materials are clustered in groups around ten eight-day units. A typical framework for a *Civics at Work* module is illustrated below.

Civics at Work 8-day Unit

DAY	ACTIVITY	MATERIALS
1	Gearing Up—activity that bridges the daily lives and experiences of students with the concepts that are to be studied	Teacher's Guide Resource Portfolio Internet Access*
2	Getting Involved—materials and activities to guide utilization of video-based civics dramas and case studies	Teacher's Guide Resource Portfolio Video
3	Civics Live—research and field activities that bring Day 2 activities home to a local/community level	Teacher's Guide Resource Portfolio
4 & 5	Technology-Based Research Activity—CD-ROM activities involving study and research of the history of U.S. government	Teacher's Guide CD-ROM
6	Civics at Work—learning activity with an applied or a workplace emphasis	Teacher's Guide Resource Portfolio Internet Access*
7 & 8	Civics for Real—field study including direct student involvement with the community or with issues affecting the community	Teacher's Guide Resource Portfolio

Civics at Work Materials

Teacher's Guide

The *Civics at Work* Teacher's Guide structures a semester's worth of learning activities. When combined with other materials, those found in this guide provide a curriculum as rigorous as traditional civics and government curricula, while captivating students in far greater measure than any civics text.

This guide, along with a set of student resources, provides the core structure of 80 lesson plans. Contained in each eight-day unit is a collection of activities and assignments. Five of the ten units (1A, 2A, 3B, 4B, 5B) incorporate *Civics at Work* videos; the remaining units use print-based case studies featuring the same video characters embroiled in different civics challenges that students are asked to analyze, research, and resolve. *Civics at Work* lessons make use of handouts, worksheets, source documents, and other materials found in the Student Resource Portfolio. Other materials are found within the *Civics at Work* Internet Resources.

For additional instructional materials, a list of related resources is found at the end of each of the ten units. In addition, each unit opens with one or more provocative thoughts from famous political thinkers, printed in both the Teacher's Guide and the Student Resource Portfolio. These short quotations reveal one or more of the unit's key concepts and may be used as opening discussion prompts.

A textbook correlation is found at the back of the Teacher's Guide for those using these materials in conjunction with a civics textbook.

Video Programs

Civics at Work includes five fifteen-minute civics dramas. Two features distinguish *Civics at Work* videos from others.

- Drama—Use of real-life dramatic situations to illustrate and teach civics events will capture even the most hard-to-reach students. *Civics at Work* scenarios spotlight many peer-age characters who are drawn into day-to-day civics issues. This format assures the greatest student focus possible.

- Participation—The second distinguishing characteristic is the use of an interactive style intended to involve and captivate the student. During dramas, pointed questions related to the preceding dramatic segment are posed to students. Questions may require them to select a path or course of action, or to provide some other form of advice to the characters. Guidelines for discussion are offered in the respective teacher's guide sections.

Five of the ten *Civics at Work* units incorporate a video drama. The remaining five incorporate print-based case studies featuring the same characters and environments as those portrayed in the videos. While the linear running time of the videos is fifteen minutes, an

Civics at Work...at work

Civics at Work teaches students how to participate in society in a spirit of civility and productivity. Video dramas and case studies are based on the daily lives of young adults representing diverse careers. *Civics at Work* reveals to students what civics really means in an applied sense. Illustrations featuring challenges in the workplace, school, home, and community at large provide models of how to constructively react, disagree, and remedy. Students of *Civics at Work* are provided civics tools that they can use when they leave the classroom, when they go to work, and when they contribute to civil society.

The design of *Civics at Work* was driven by SCANS competencies that are integral in each module. These competencies include: utilizing, managing, and allocating resources; working with technology and others; obtaining and using information; and recognizing complex relationships among a variety of social, organizational, and political systems.

entire class period should be allowed for the video program and video-based interactivity and discussion.

Student Resource Portfolio

The *Civics at Work* Student Resource Portfolio includes more than 40 printed resources for student use during and between classes. Portfolio materials are used four to five days of each unit. For those days (lessons), details are provided in the Teacher's Guide. Many of these resources may also be used for assessment purposes.

2 CD-ROM Set

U.S. Government: The First 200 Years is the title of the CD-ROM resource that supports *Civics at Work*. This program provides an extensive survey of U.S. government during its first 200 years and reveals the roots of today's civil society. Each of the two CD-ROMs is segmented and designated as Day 4 and 5 activities in the ten *Civics at Work* units. The segments may be used by individual students or by small groups of students assigned to a Macintosh or Windows-compatible computer with a CD-ROM reader (see the documentation accompanying the CD-ROMs for details).

The CD-ROMs include a variety of computer-based and extension activities that are described, by unit, in this guide. There is also a segmented assessment on each of the CD-ROMs. Results of these tests may be printed for grading purposes. Recommendations for use of the assessment opportunities are found in this guide in units 2B and 5B.

The CD-ROMs have numerous features that teachers may use to develop activities that meet the unique needs of their students. Each CD-ROM has instructional features, including a segmented feature presentation, review questions, quizzes, an encyclopedia, a glossary and a dictionary. Other operational features include word search, print, and save functions. These features are ideal for research, assignments, and reports.

U.S. Government: The First 200 Years lends itself to large-group utilization as well as to small-group and individual-learner use. With the addition of an LCD display panel or a computer connection to large-screen televisions or monitors, lively and engaging computer-based group instruction can be achieved. The software equally lends itself to small collaborative groups using a single computer.

Assessment

Civics at Work materials include a variety of assessment options to meet the needs of an ever-growing diverse student population. CD-ROM assessment opportunities may be used as self-assessment, or they may be printed and submitted as a formal assessment component. In addition to the CD-ROM-based assessment, the majority of instructional activities found throughout this guide may be used as assessment instruments. Worksheets, reports, surveys, and Internet activities, such as e-mail exchanges with political figures, may become part of the students' assessment portfolios. Scoring rubrics for individual items are offered in most cases.

Internet Resources

The address for the *Civics at Work* Internet site is: **http://www.ait.net/groups/civics**. This resource provides easy access to an abundance of materials for student research assignments (described in the Teacher's Guide units), extension activities, source document reference, interaction with political figures, and much more. Links at this site provide gateways to the Supreme Court cases, U.S. congressional representatives, Justice Department statistics, political commentary and news, government agencies, political polls, and law libraries. Using the *Civics at Work* Internet Site, students can ultimately access hundreds of other civics-related resources. A listing of the *Civics at Work* Internet resources is available in the Student Resource Portfolio, as well as in this guide.

Using the Civics at Work Videos:

Location and Cast

The *Civics at Work* modules may be used out of sequence; however, it is strongly suggested that Module 1 be utilized first. The characters in the videos recur throughout the series; Module 1 introduces the viewer to them and to the focal point of the action, the apartment house in which they all live.

MIKE'S PLACE

The house our characters call home is an inviting, nineteenth-century, two-story dwelling on a tree-lined street that could be found in almost any U.S. town of small or moderate size. Mike, the owner, has converted this building to about eight separate apartments, retaining some common areas in which the tenants may gather. While the residents are a diverse group (Mike likens his apartment house to the U.N.), their shared home has a family feel to it. One room, for example, has the atmosphere of a neighborhood café where the coffeepot is never empty and you can always find someone to talk to. Mike's Place not only is the hub of activity for the videos but itself generates several of the story lines and subjects for discussion.

THE PEOPLE

MIKE DENNIS

Age: 48
Politics: Right of center

Mike is a retired army officer who lost a leg in the Vietnam War. He is divorced and has two teenagers, who live with him. About five years ago, Mike came into a small inheritance that allowed him to make a down payment on the house that would become Mike's Place. There is still much work to be done on it, however, and money is tight. Mike is semi-retired and is slowly and painfully restoring the house.

Mike is a mixture when it comes to politics. He believes that vets have gotten a raw deal from the government, and he has been active in a local group that is trying to get more support and better medical benefits for Viet-

At Mike's Place, there's always someone to talk to... and plenty to talk about.

nam and Gulf War veterans. On the other hand, Mike feels that the government is too powerful and restrictive in terms of taxation, legislation of morality, and the enforcement of unnecessary regulations.

TOM DENNIS

Age: 17
Politics: Left of center

Tom is a bright and well-liked high-school senior. He has been through a challenging adolescence. Tom lived with his mom for awhile but moved in with Mike when she remarried, in Tom's junior year of school.

The editor of his school newspaper, Tom is—not surprisingly—bright and articulate. He often tends to "march to the beat of his own drum." While this quality is sometimes endearing, it can also get him into trouble with both fellow students and adults.

Politically, Tom is left-leaning and tends to see many issues as black or white. This view gets him into frequent arguments with many of the other tenants about such issues as freedom of speech, public safety, and the rights of immigrants.

SARA DENNIS

Age: 19
Politics: Left

Sara is a bright young woman who enjoys the dorm-like atmosphere of the apartment house. She too has been through the worst of times with her father, and she's generally supportive of him.

Sara's political leanings aren't yet well developed. However, she is interested in how our system works (especially in matters related to the Constitution), and she attends a local community college, studying to become a paralegal.

MARTIN WILLIAMS

Age: Late 20s
Politics: Right

Martin is a "rock"—intelligent, sympathetic, solid. He works as the administrator of a halfway house while pursuing an MBA. He is neat and compulsively tidy.

Martin's parents are both teachers, and his father has just become the principal of an elementary school in their hometown of Dayton, Ohio. Martin has several siblings, and his strong sense of family carries over into the protective approach he uses with the residents of the halfway house.

Politically and fiscally, Martin is conservative. The less government, the better, is his attitude.

SHAWNA WILLIAMS

Age: Mid-20s
Politics: Undefined

Shawna is fun and intelligent, and works as a medical technician at a local hospital.

Shawna met her future husband, Martin, in high school, but they married only recently. Unlike Martin, Shawna is often disorganized and messy. This tendency leads to the occasional minor spat, but Shawna and Martin are crazy about each other. The only real strain on their marriage is that brought about by their very different and difficult occupations and work schedules.

Shawna has no particular political leanings. She is eminently practical and ad hoc—whatever works, works.

MARI ORTIZ

Age: Late 20s
Politics: Left

Mari is very dynamic and ambitious; in Guatemala she was a lawyer. Unfortunately, she had to leave her native country because of political instability. She has become a U.S. citizen, and she studies U.S. law at night.

Mari supports herself—barely—by working at a local environmental-waste management company. She's focused, organized, and impatient—the kind of person who always has a dozen things going but somehow manages to stay on top of them all. She is intensely involved in women's rights, workplace rights, and almost any other kind of rights. An extreme liberal, she appears tough—and she is—but she also wears her heart on her sleeve. Because of her history, she looks at U.S. culture from the point of view of a culture in which basic rights that we take for granted are not available. Americans who don't vote and don't get involved in government baffle and anger Mari.

While some find Mari brash and off-putting, others like her for her frankness and commitment to her views.

KATE SULLIVAN

Age: Early 30s
Politics: Right-leaning

Kate's a hometown girl and a sergeant in the local police force. Third in her graduating class at the academy, she's ambitious, dedicated, and eager to prove her worth.

Kate naturally has strong feelings about issues of law and order. When it comes to such controversial issues as free speech, search and seizure, and civil disobedience, she is the voice of the "letter of the law."

MEI WUANG

Age: Early 20s
Politics: Middle-of-the-road

Mei Wuang is a hard-working and likable young woman originally from China. She is employed by an electronic components factory—in an exacting job—and worries about her job security and her possibilities for upward mobility in the firm. Although she has a strong interest in U.S. government and how it differs from that of her native country, she has not yet made a decision to become a citizen of the United States.

People like being around Mei, who has a strong ability to draw them out. She tends to be very analytical about difficult and complex issues. A natural negotiator, Mei asks many questions and listens to all sides before offering opinions or making judgments.

MODULE 1:

What is government and what should it do?

Government, civil society, and citizenship

"That government is best which governs not at all; and when men are prepared for it, that will be the kind of government which they will have."
—Henry David Thoreau, 1849

"In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."
—James Madison, 1788

"Americans of all ages, all stations in life, and all types of disposition are forever forming associations... at the head of any new undertaking, where in France you would find the government or in England some territorial magnate, in the United States you are sure to find an association."
—Alexis de Tocqueville, 1835

CONCEPT KEYWORDS

- government
- authority
- power
- consent of the governed
- common good
- individual rights
- civil society
- civic life
- voluntary organization

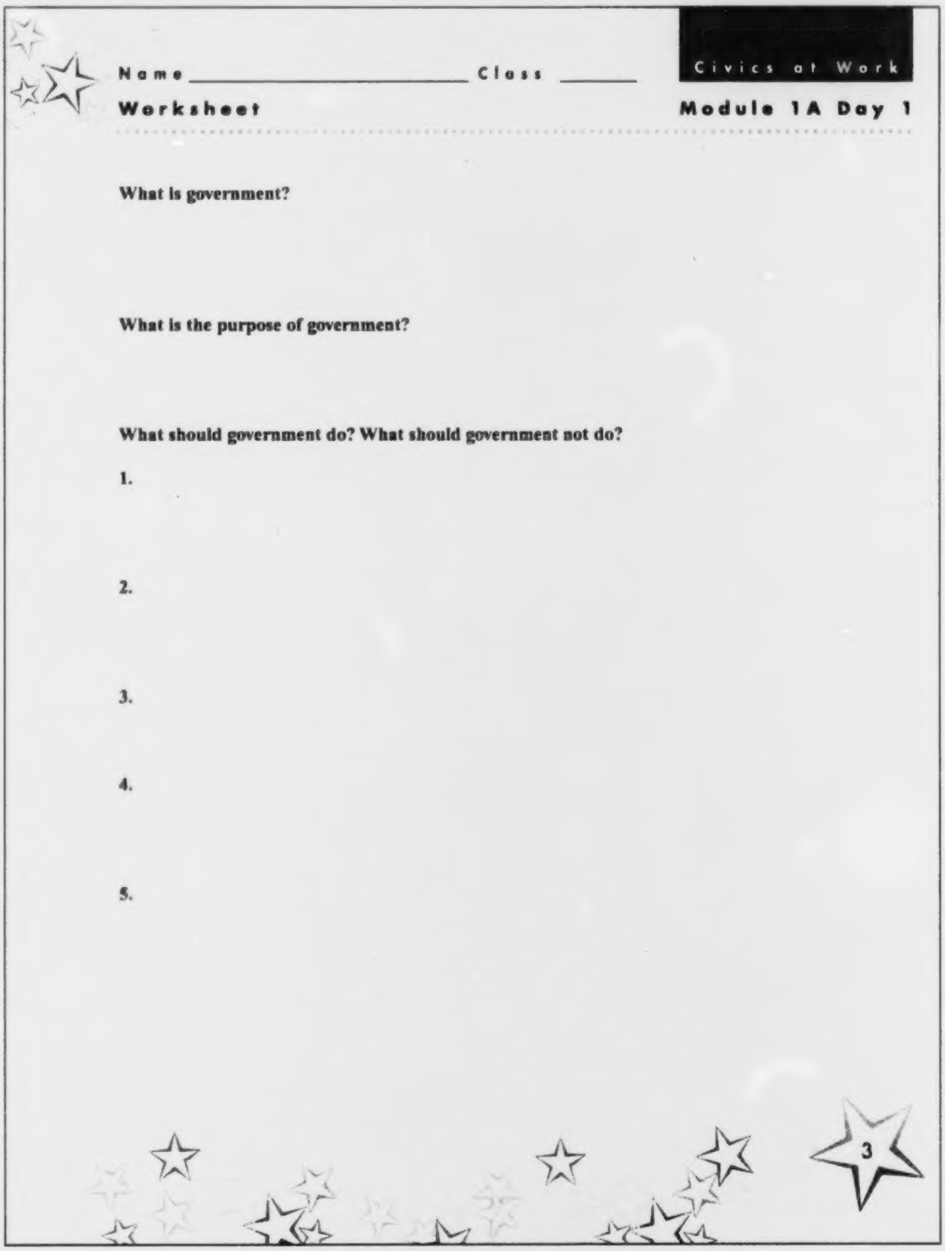
DAY 1

GEARING UP

Begin by asking the students what the purpose of government is. As the students suggest various answers, distinguish attempts to provide for the common good (e.g., the building of highways) from efforts to protect individual rights (e.g., guaranteeing the right to a fair trial).

After this brief discussion, divide the class into small groups. Refer to the worksheet in the student resource portfolio that asks "What is government?" and "What is the purpose of government?" Instruct the class to agree upon answers to these two questions within their individual groups and then to list five basic things that a government should do, along with five things that a government should not do. Once this task has been completed, tell the students to decide if each item listed as something that a government should or should not do is essentially an effort to provide for the common good (CG) or a protection of an individual right (IR). When the group has reached a consensus, the various items then should be labeled as either "CG" or "IR." Finally, for those items listed as examples of what a government should not do, ask the students to suggest who, then, is responsible to see that those tasks are completed: for example, individuals, families, employers, civic organizations, or churches.

As time allows, discuss and compare the ideas generated by the various groups. A possible follow-up assignment for this lesson is for the students to read the Preamble to the U.S. Constitution and/or the opening two paragraphs of the Declaration of Independence and to identify the purposes of government that the Founding Fathers considered to be the most important. Access to these documents is available through the AIT/Civics at Work Home Page on the Internet. For further challenge, invite students to visit the three branches of federal government through the Civics at Work Internet Resources, for the purpose of contrasting the original intent of government's purpose, as framed by our Founding Fathers, with what government is today.



Name ____________________ Class ______

Civics at Work

Worksheet

Module 1A Day 1

What is government?

What is the purpose of government?

What should government do? What should government not do?

1.

2.

3.

4.

5.

3

GETTING INVOLVED/ GETTING IT TOGETHER

Prior to viewing the video, ask the students what responsibilities the tenant of an apartment building has regarding his or her relationship with the landlord. What responsibilities do the tenants have to each other? What responsibilities does the landlord have to meet the needs of the tenants? This brief discussion should focus upon such issues as property rights, health and safety concerns, and individual rights, including freedom of expression. Following this discussion, show the class the videotape.

VIDEO DESCRIPTION

The setting for this video is a house that has been converted to apartments. The tenants are concerned about their personal safety and comfort, as well as the protection of their property. They are in conflict with each other over such matters as placing political-campaign signs in front of the building, late-night partying, and playing loud music late at night. In an effort to resolve these and other issues, the tenants hold a "summit meeting" with their landlord, Mike, and attempt to establish a set of rules to govern their behavior.

During the video, students are invited, by the insertion of on-screen questions, to speculate about the best path for the group to follow.

The video should be paused at this point to allow students to suggest possible solutions to the problems facing the landlord and the tenants.

The on-screen choices are as follows:

Should the tenants...

1. **Keep things as they are and deal with problems as they occur?**
2. **Let Mike make the rules?**
3. **Follow Tom's suggestion and work together to come up with some rules?**

Following these questions are video segments revealing the outcomes of each of the possible paths. At the end of the video, a second set of on-screen questions is presented, intended to generate a discussion about the role of associations and voluntary organizations in civil society and to broaden the students' understanding of this concept. The on-screen questions are as follows:

1. **Can you think of other examples of associations that make up our civil society?**

   Political parties, labor unions, etc.

2. **What would happen if voluntary organizations did not exist?**

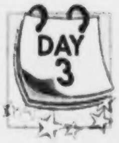
   Many important services would no longer be provided, and the overall quality of life would diminish.

3. **How does civil society limit government? Why is that important?**

   Civil society is a complex network of freely formed, voluntary political, social, and economic associations. Examples of such associations are labor unions, professional associations, or religious organizations. Civil society is an essential component of a constitutional democracy because it prevents the abuse or excessive concentration of power by government.

4. Why don't totalitarian governments permit voluntary organizations?

Authoritarian regimes exercise unlimited power over the people, and such organizations are generally not permitted because the questioning of authority would be in direct contradiction of absolute control.



CIVICS LIVE

Begin the lesson by asking the students to identify some of the basic purposes of government, as covered during the previous two class periods. Inform them that their assignment will be to construct a survey to sample the collective attitude of the local community about the purposes of government. It will be helpful to discuss the correct way to conduct a survey. Emphasize the need for simple, practical questions as well as the desirability of a sample that is as representative as possible.

Divide the class into small groups. Each group can compose its own list of questions, or the entire class can construct a single list of survey questions to be used by each of the groups. It is suggested that the survey(s) should include at least ten but no more than twenty questions. Questions such as "Should the government establish and maintain public schools?" can be a reflection of the group activity completed on Day 1, which asked the students to consider the purpose of government and to provide examples of what a government should and should not do.

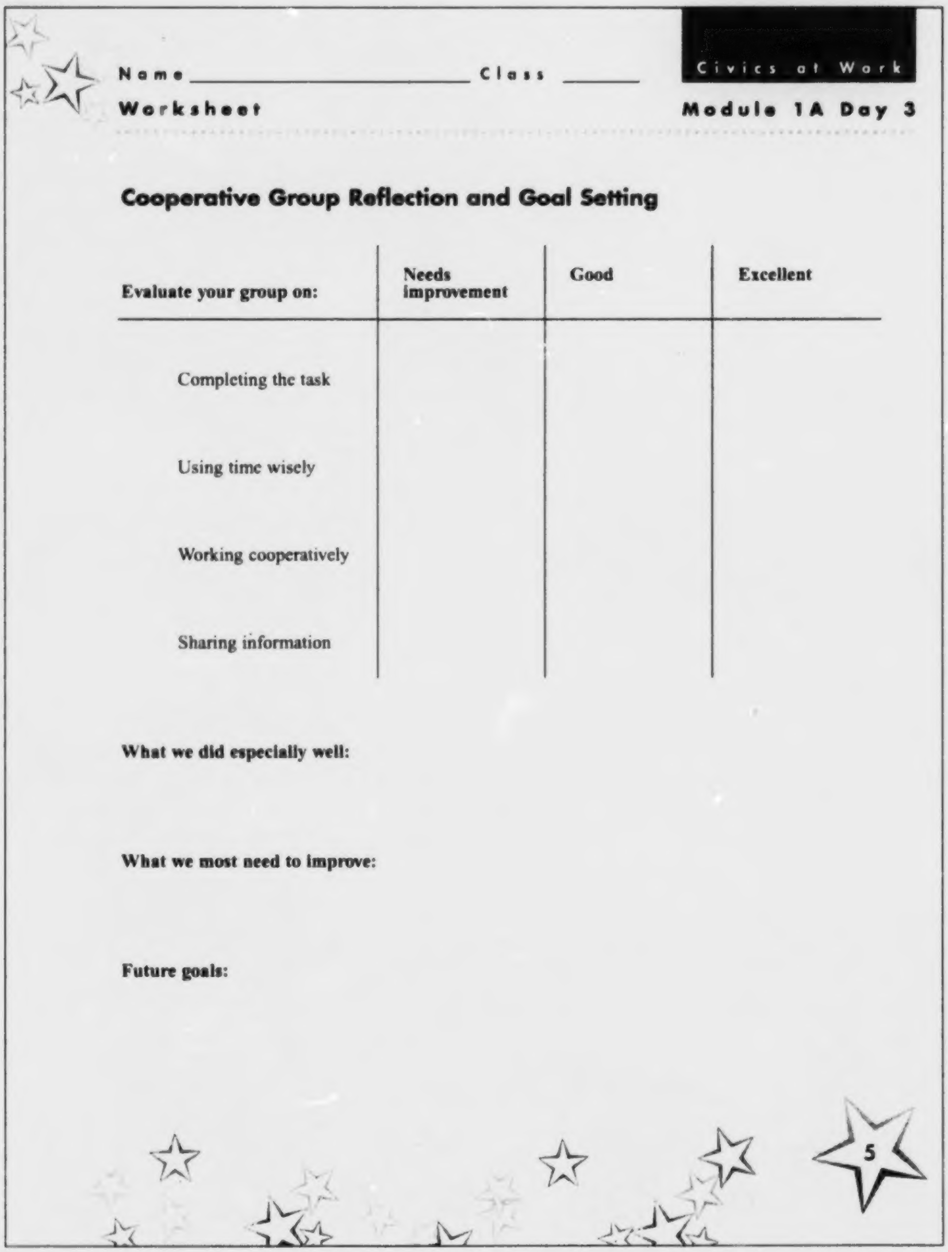
It will be necessary to set guidelines concerning how many individuals each students will interview, as well as when and where the interviews will be conducted. Tell the class that the surveys must be completed by Day 7 of this unit. (See Days 7 and 8 for more information on how this material will be compiled and presented.)

Finally, an optional worksheet, "Cooperative Group Reflection and Goal Setting," is included in the student portfolio. Its purpose is to encourage the students to assess the manner in which their own group completed the cooperative learning activity. This worksheet can be duplicated and used throughout the semester for other small-group activities.

Teaching tip:

When using this video program, you will want to compare the events in the video with other types of voluntary organizations and consider the purpose of these organizations as well as the purpose of government itself. Consider how the voluntary organization that was formed by the tenants is part of a greater civil society and how civil society acts as an intermediary between citizens and the government. You will also want to consider the tension between individual rights and the common good. For example, why are authority and established rules necessary to secure rights and privileges?

It is also important to stress to students that their involvement in civic life and in nongovernmental organizations can help to improve the quality of life in their neighborhoods, communities, and the nation. The maintenance and improvement of American constitutional democracy is dependent on informed, effective, and active participation by its citizens.



Name ______________________ Class ______

Civics at Work

Worksheet

Module 1A Day 3

Cooperative Group Reflection and Goal Setting

Evaluate your group on:	Needs improvement	Good	Excellent
Completing the task			
Using time wisely			
Working cooperatively			
Sharing information			

What we did especially well:

What we most need to improve:

Future goals:

5

TECHNOLOGY-BASED RESEARCH ACTIVITY

Arrange computer-lab time for the purpose of using Volume I, Segments 2 and 3 from the CD-ROM entitled *U.S. Government: The First 200 Years*. These segments will introduce students to the foundations of U.S. government during the years from 1783 to 1789. Ask individuals or small groups of students to select Feature Presentations 2 and 3 from the "Contents" pull-down menu. As they view the material, have the students select one or more of the following activities:

1. **Note and develop a report on CD-ROM content that provides a historical foundation for concepts illustrated in the video for this unit. Students may wish to use a computer-based device, such as a "notepad" feature, for developing their report.**

2. **Have the students locate one or more pictures or graphics from the presentations that represent the concepts emphasized in this unit. These images can be printed and used to create a collage as a unit project. A brief narrative can be required to describe the relevance of the pictures. (Note: A color printer is preferred for this activity. Pictures can be printed after clicking on the large magnifying-glass button found in the upper right-hand corner of the viewing area.)**

3. **Develop a one-page report to capsulize the historical development of U.S. government as presented in the segments studied.**

4. **Select a concept or person from the segments and develop a brief research report using the CD-ROM-based resources (e.g., encyclopedia, search function) and outside resources (e.g., library, Internet).**

Note: For tips on the use of the CD-ROM with the entire class, see page 7 of the CD-ROM User's Guide, which is located in the cover of the CD-ROM case.

CIVICS AT WORK

Allow the students time to read the article "Kicking Butts! As Workplaces Clear the Air, Smokers Reshuffle" by Ena Naunton. The article appeared in the *Miami Herald* on October 2, 1990. A copy of the article is included in the student portfolio. After the students have had sufficient time to read the article, ask for their initial impressions about the situations described in the article. Ask whether or not their workplaces or those of their family members ban smoking.

Other discussion questions could include:

* **Should the national or state government enact laws that prohibit smoking in private businesses that are open to the public?**

* **Do the students know of any local laws that restrict cigarette smoking?**

* **If a business decides to ban smoking, does it have an obligation to help its employees kick the habit entirely rather than simply to prohibit the practice on company premises?**

* **Is this issue a question of the common good versus individual rights?**

* **What are the rights of smokers and nonsmokers?**

If time allows, ask the students to imagine that they have been asked to write a concise policy statement for a major company on the matter of cigarette smoking by the employees.

From the *Miami Herald*
Oct. 2, 1990, pp. 1C
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KICKING BUTTS! As Workplaces Clear the Air, Smokers Reshuffle

by Ena Naunton,
Herald Staff Writer

At 9:30 p.m. on Wednesday, July 11, Diane Herron put out her cigarette and destroyed all the others in a pack she had bought on the way home from work. She hasn't had a cigarette since.

"The next day was D-day," she says. That day WPBT-Channel 2 banned smoking in its North Miami offices. Herron, executive assistant to programming vice president John Felton, credits the TV station's no-smoking policy with motivating her to quit her pack-a-day habit after a decade of smoking, begun when she was 20.

"I'm glad they did it," she says. "I did the majority of my smoking at work." Not everyone agrees. Only two of eight employees who attended a stop-smoking clinic at the TV station actually quit, Herron says.

At Southern Bell's headquarters building, 666 NW 79th Ave., collections representative Therman Howard is not happy about the no-smoking policy that went into effect for 1,000 employees about six months ago.

"The nonsmokers won out," says Howard, 31. To maintain his two-pack-a-day habit, he says, "I have to go out on a balcony or to the parking lot." Smoking is not permitted in the staff cafeteria, which means, he says, that more people cross the street to the Mall of the Americas to eat.

"I resent it," says Howard. "I've been here 12 years; they knew when they hired me that I smoked. Now I have no recourse; it's frustrating." He also feels his productivity has dropped: He used to work through break times; now he takes them in order to smoke.

All over South Florida, employers are making it harder for people to smoke at work—or easier for them to quit altogether.

Cigarette vending machines are being removed from cafeterias and employee lounges; ashtrays are being whisked from public areas—and from office desks.

Smoke no longer wafts through the Miami headquarters of Florida Power & Light. As of Monday, most of the *Miami Herald* building is a no-smoking zone. WPLG-Channel 10's offices on Biscayne Boulevard will follow suit on Oct. 15, and Parkway Regional Medical Center will do so on Nov. 15, which is the American Cancer Society's Great American Smoke-Out Day.

In a just-published survey of 400 of the largest public and private sector employers in Florida, who together have more than a million employees, William Mercer Inc. of Tampa discovered that 52 percent have adopted a smoke-free office environment and 30 percent provide assistance to employees for smoking cessation clinics.

> *"I resent it," says Howard. "I've been here 12 years; they knew when they hired me that I smoked.*

"I've been having a real rush of calls for quit-smoking clinics over the past three or four months," says Marion Raeburn, who has been running the clinics out of Miami's Jackson Memorial Hospital for nearly 13 years. Several television stations, law firms and FPL are among the latest groups signing up, Raeburn says.

"These companies make the decision to go clean air, then they announce it to their employees. They usually give them a three-month leeway and do a survey asking how many want a quit-smoking clinic. In most

Module 1A Day 6

cases, the company picks up the check, although no one is forced to come."

At *The Herald*, where public areas and open workplaces are now smoke-free, "We plan to have classes into next year, recognizing this is not a short-term kind of thing and that some folk may take a little time to think about it," says John Roberts, vice president for human resources.

The last cigarette machine at *The Herald* was moved from the cafeteria over the weekend, although employees can smoke in designated areas of the cafeteria—and on part of an outdoor balcony. Executives with private offices will be able to smoke until Jan. 1, as long as no visitors object. Although Florida's Clean Indoor Air Act, which was 5 years old Monday, calls upon employers to implement policies regarding designation of smoking and nonsmoking areas, the process has taken time to affect the workplace.

An evolving thing

"It's been an evolving thing," says Cindy Brooks, health enhancement coordinator for the 480 Floridians who work for Av-Med, a health maintenance organization with offices in Dadeland, Orlando, Tampa, Boca Raton and Gainesville. "A lot of our nonsmokers were requesting places where they could go that they would not have to endure the smoke of other employees. That encouraged us to go ahead and do it. We decided a smoke-free environment would be the easiest and best."

A committee of Av-Med employees spent a year developing an acceptable program, Brooks says.

When the no-smoking policy went into effect, May 1, Av-Med had 50 smokers and 258 nonsmokers in its Dadeland offices. Since then, 13 of the smokers have quit with the help of a smoking cessation clinic—"We feel pretty good about that," says Brooks.

Outside smoking

Smokers have to go outside the offices—but not outside a multi-office building—to light up, she says. Nevertheless, "Some people have felt intimidated and that their privacy had been invaded, because they didn't have a choice whether to smoke or not." On the other hand, Brooks says, "A lot of people are finding they are just not smoking as much during the workday."

FPL, which has 15,000 employees around the state, set up a task force to develop a smoke-free environment program, which began its one-year phase-in period on Aug. 1. The headquarters at 9250 W. Flagler St. and offices in Juno Beach were given until Nov. 1 to become smoke-free. Offices in Daytona Beach already are smoke-free. At FPL's nuclear plant at Turkey Point, smoking has always been banned from some areas, by Nuclear Regulatory Commission order. The rest of the plant and the balance of FPL facilities have until Aug. 1 to put the smoke-free program into effect, says spokesman Ray Golden.

In-house clinics

The utility company is offering smokers $50 to cover in-house smoking cessation clinics, or as a donation toward any outside program they prefer to help them quit, Golden says.

Herron, who has worked at WPBT for a year, says the ban on smoking at her desk helped her reduce her smoking even before she started her new smoke-free life in July.

Nevertheless, the old craving still raises its head occasionally: "Smoke still smells awfully good," she says. "I don't really miss it anymore, but if I happen to walk in a path where someone happened to be smoking, I can smell it. And it smells good."

CIVICS FOR REAL

On Day 7 reassemble the groups that were established on Day 3 for the purpose of conducting the survey. The students should begin the process of tabulating the results of the survey. They should also attempt to interpret its results. Inform the class that each group is required to write a report detailing this information.

On Day 8 each group is required to orally report to the class on the data that they collected and what they believe these data indicate about how the local community views the purpose of government. Both the written report and the in-class presentation can be utilized for assessment purposes.

To conclude the module, the class can be asked if the perceptions of the local community correspond to the intentions of the Founding Fathers that were included in the Preamble to the U.S. Constitution and the Declaration of Independence. If students were assigned the Internet research on Day 1, ask them to contrast their findings on government today with what it was intended to be by the Founding Fathers.

ADDITIONAL RESOURCES

Berger, Peter L., and Richard John Neuhaus. *To Empower People: From State to Civil Society*. 2d ed. Edited by Michael Novak. Washington, D.C.: The AEI Press, 1996.

Bibby, John F. *Governing by Consent*. Washington, D.C.: Congressional Quarterly, Inc., 1994.

Patrick, John J. (ed.) *Founding the Republic: A Documentary History*. Westport, Conn.: Greenwood Press, 1995.

Smith, Duane, et al. *We the People....The Citizen and the Constitution*. Calabasas, Calif.: Center for Civic Education, 1995, pp. 1–52.

Notes:

MODULE 1:

What is government and what should it do?

Liberty and the rule of law

"Wherever Law ends, Tyranny begins."
—John Locke, 1690

"Constitutions are checks upon the hasty action of the majority. They are the self-imposed restraints of a whole people upon a majority of them to secure sober action and a respect for the rights of the minority."
—William Howard Taft, 1900

CONCEPT KEYWORDS

- rule of law vs. "rule of men"
- individual rights
- common good
- anarchy
- fairness
- freedom under law
- ordered liberty

Advance Planning: See Day 6 activities for advance planning needs.

DAY 1

GEARING UP

Begin by having the class read the Fourth Amendment from a copy of the U.S. Constitution. (Access to a copy is available through the AIT/Civics at Work Home Page on the Internet.) Discuss the meaning of the key phrases in the amendment: "unreasonable searches and seizures," "warrants," and "probable cause." It is important that the students understand that the protection against unreasonable searches and seizures was included in the Bill of Rights because the Founding Fathers wanted to prevent a duplication of the injustices practiced by the British prior to the American Revolution. The protection is one of the key elements of procedural due process, as it requires the government to interact with the people in a way that emphasizes fairness.

It will also be helpful to point out to the class that even in the absence of a warrant a search can be considered "reasonable" under certain circumstances, such as when the police are making an arrest and a limited search is required to secure concealed weapons or evidence of a crime.

Following this introduction, divide the class into four groups. Refer to the reading entitled "Fourth Amendment Cases," which is located in the student portfolio. Instruct students to use only this resource and NOT to refer to the actual decisions in the next reading. Assign one of the four cases to each of the four groups. These relate the facts of four Supreme Court cases that examined the Fourth Amendment. Case A focuses on the exclusionary rule, and it summarizes the facts of *Mapp v. Ohio* (1961). Case B looks at the stop-and-frisk rule that was established in *Terry v. Ohio* (1968). Case C examines the good-faith exception to the exclusionary rule that was the product of *United States v. Leon* (1984). Finally, Case D provides the facts from *California v. Greenwood* (1988) and highlights the in-plain-view rule.

Tell each group to read the facts of their case and to decide whether or not the search in question was reasonable, based upon their interpretation of the Fourth Amendment. After each group has reached a decision, start with Case A and ask each group to explain the facts of the case to the class and to relate the decision that was made by the group. Unanimous votes are not required, so any student who disagrees with the majority should have the opportunity to voice an objection.

After each of the four groups has been heard from, the lesson should be concluded by revealing the actual Supreme Court decisions, using the "Decisions" reading.

Fourth Amendment Cases

Case A

Following a tip from an informant, three police officers requested admission to a house to search for a fugitive. The officers did not have a warrant, and the homeowner refused to admit them to her house. The officers then advised their headquarters of the situation and continued surveillance of the house.

Approximately three hours later, four more policemen arrived, and the contingent of officers went to the door of the house. When there was no immediate response to a knock on the door, the police forcibly entered the house. Inside, the homeowner asked to see a warrant, and one of the officers waved a piece of paper that he claimed was a warrant. The homeowner snatched the paper and placed it inside her blouse. After a brief scuffle, the police recovered the alleged warrant, and the homeowner was handcuffed.

The subsequent search of the house failed to produce the fugitive, but obscene printed materials were discovered in a trunk in the basement. The homeowner claimed that the trunk belonged to a former tenant, but she was nonetheless convicted of a violation of a local obscenity law. No warrant was produced at the trial, and the absence of a warrant was not explained by the police.

Upon appeal, the question to be decided was whether or not the evidence should have been presented in court or if this was a violation of the Fourth Amendment's protection against unreasonable searches and the evidence should have been suppressed.

Case B

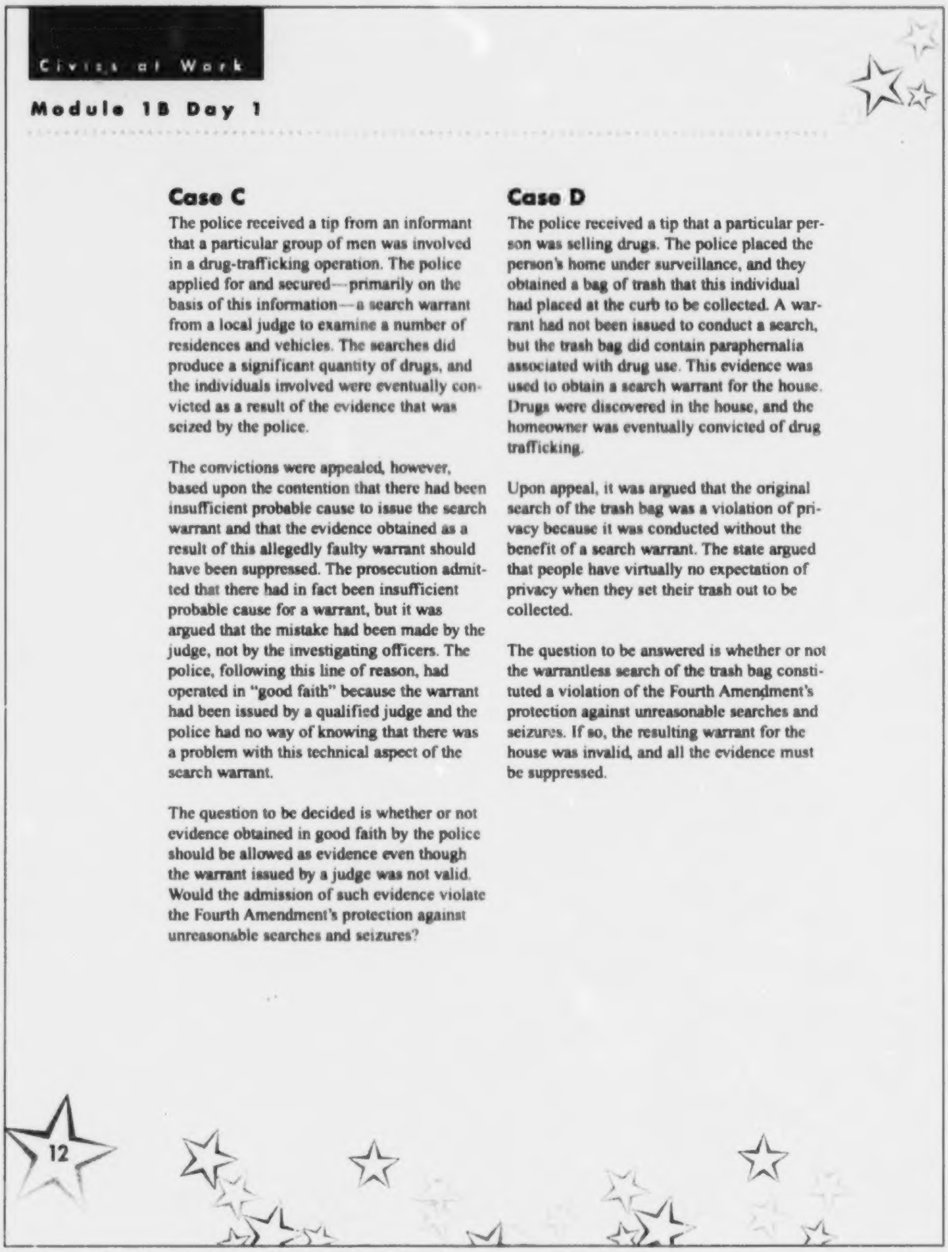
A veteran police officer, on routine patrol, spotted two "suspicious-looking" men on a street corner where a store was located. The detective, dressed in plain clothes, observed as the two men took turns walking up and down the street to peer into one of the store's windows. After they followed this routine a number of times, a third man joined them on the corner for a brief discussion. The third man then walked down the street and was followed momentarily by the first two men.

The policeman suspected that the men had been "casing" the store to prepare for a robbery. He therefore followed the three men and, after identifying himself as a police officer, asked the men to identify themselves. Their responses were barely audible. The detective then frisked one of the men and discovered a gun in his coat pocket. The other two men were searched in a similar manner, and one of them was also carrying a gun.

Subsequently, the two armed men were convicted of carrying concealed weapons. However, upon appeal, it was argued that the search was unreasonable because they had simply been asked to state their names and were not under arrest when the search was conducted.

The question to be answered is this: Was this a valid search, or was there insufficient probable cause to search the men? If their protection against unreasonable searches had been violated, then the evidence—the handguns—must be suppressed.

For added challenge, ask students (groups) to perform further research on these cases by using the Civics at Work Internet Resources and to report their findings during a later class. A number of sites offer details and full texts of these Supreme Court decisions.



Module 1B Day 1

Case C

The police received a tip from an informant that a particular group of men was involved in a drug-trafficking operation. The police applied for and secured—primarily on the basis of this information—a search warrant from a local judge to examine a number of residences and vehicles. The searches did produce a significant quantity of drugs, and the individuals involved were eventually convicted as a result of the evidence that was seized by the police.

The convictions were appealed, however, based upon the contention that there had been insufficient probable cause to issue the search warrant and that the evidence obtained as a result of this allegedly faulty warrant should have been suppressed. The prosecution admitted that there had in fact been insufficient probable cause for a warrant, but it was argued that the mistake had been made by the judge, not by the investigating officers. The police, following this line of reason, had operated in "good faith" because the warrant had been issued by a qualified judge and the police had no way of knowing that there was a problem with this technical aspect of the search warrant.

The question to be decided is whether or not evidence obtained in good faith by the police should be allowed as evidence even though the warrant issued by a judge was not valid. Would the admission of such evidence violate the Fourth Amendment's protection against unreasonable searches and seizures?

Case D

The police received a tip that a particular person was selling drugs. The police placed the person's home under surveillance, and they obtained a bag of trash that this individual had placed at the curb to be collected. A warrant had not been issued to conduct a search, but the trash bag did contain paraphernalia associated with drug use. This evidence was used to obtain a search warrant for the house. Drugs were discovered in the house, and the homeowner was eventually convicted of drug trafficking.

Upon appeal, it was argued that the original search of the trash bag was a violation of privacy because it was conducted without the benefit of a search warrant. The state argued that people have virtually no expectation of privacy when they set their trash out to be collected.

The question to be answered is whether or not the warrantless search of the trash bag constituted a violation of the Fourth Amendment's protection against unreasonable searches and seizures. If so, the resulting warrant for the house was invalid, and all the evidence must be suppressed.

Fourth Amendment Cases

DO NOT READ UNTIL INSTRUCTED TO DO SO

Decisions:

Case A: *Mapp v. Ohio* (1961)
The U.S. Supreme Court, by a 6–3 vote, overturned the conviction. The importance of this particular case was that the Court thereby extended the exclusionary rule to the states. Essentially, this rule mandates that any evidence obtained in violation of the Fourth Amendment's protection against unreasonable searches and seizures must be excluded from court. Prior to the *Mapp* decision, this rule was applied only to proceedings in federal courts.

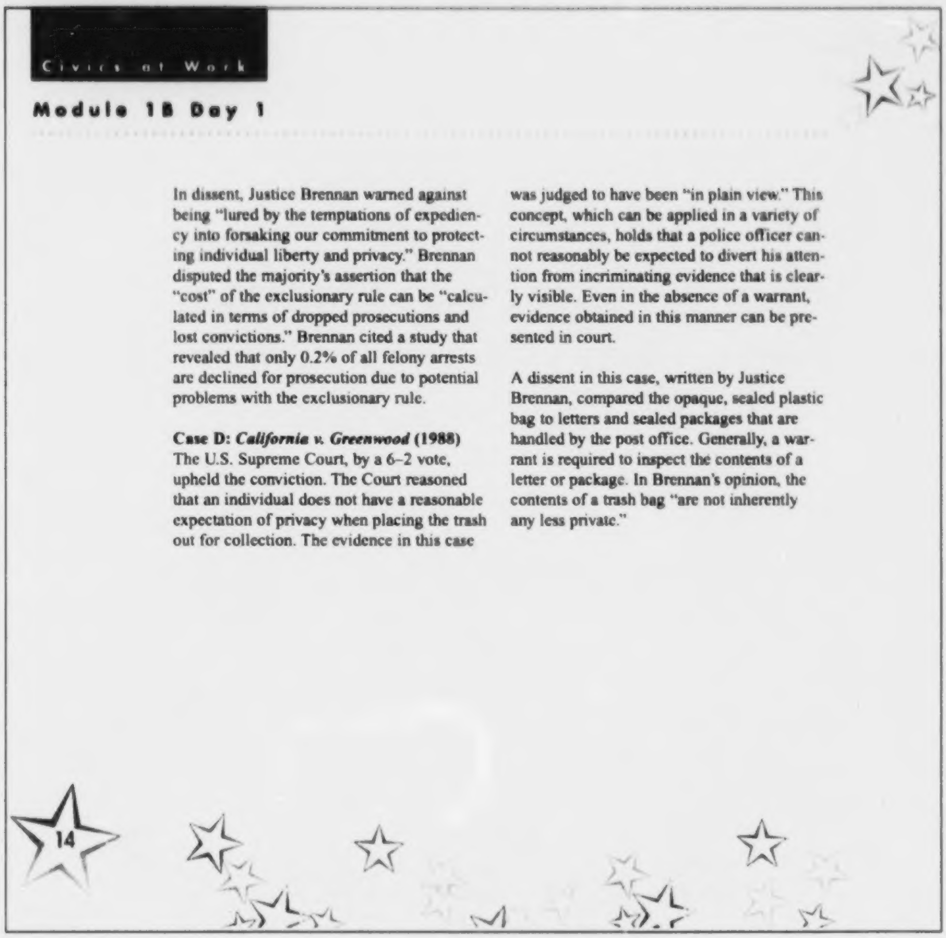
The process of taking protections that are guaranteed in the Bill of Rights (which originally applied only to the federal government) and applying them to the states is known as selective incorporation. This is possible, in the eyes of the Supreme Court, because the due process clause contained in the Fourteenth Amendment is intended to prevent the states from unfairly infringing upon a person's liberty.

In dissent, Justice Harlan asserted that the majority had "forgotten the sense of judicial restraint." Rather than apply the exclusionary rule to the states, he argued, the states should be allowed to devise their own remedies for unlawful searches. This, Harlan claimed, was necessary for the "preservation of a proper balance between state and federal responsibility."

Case B: *Terry v. Ohio* (1968)
The U.S. Supreme Court, by an 8–1 vote, upheld the conviction. The Court reasoned that "stop-and-frisk" techniques as practiced by the police are reasonable under certain circumstances and therefore not in violation of the Fourth Amendment. Generally, when the police observe unusual behavior that could be reasonably associated with criminal activity, this type of search for weapons is permissible for the protection of the policeman and others who may be in the area. Under these conditions, probable cause is not required to stop and frisk.

The lone dissent, by Justice Douglas, stressed that any search or seizure requires probable cause. In this particular case, he argued, there simply was no probable cause to justify a search for a concealed weapon. Douglas reasoned that a judge would have been precluded from issuing a search warrant in this case. "To give the police greater power than a magistrate," he asserted, "is to take a long step down the totalitarian path."

Case C: *United States v. Leon* (1984)
The U.S. Supreme Court, by a 6–3 vote, upheld the conviction. The Court held that the exclusionary rule does not require the suppression of evidence that was obtained by police officers acting in good faith. This is true even when the source of their good faith, a warrant issued by a judge, later proves to be flawed. Of course, this exception to the exclusionary rule is limited to searches in which there actually is a warrant, albeit a faulty one, that leads to an "honest mistake" by the police.



Civics at Work

Module 1B Day 1

In dissent, Justice Brennan warned against being "lured by the temptations of expediency into forsaking our commitment to protecting individual liberty and privacy." Brennan disputed the majority's assertion that the "cost" of the exclusionary rule can be "calculated in terms of dropped prosecutions and lost convictions." Brennan cited a study that revealed that only 0.2% of all felony arrests are declined for prosecution due to potential problems with the exclusionary rule.

Case D: *California v. Greenwood* (1988)
The U.S. Supreme Court, by a 6–2 vote, upheld the conviction. The Court reasoned that an individual does not have a reasonable expectation of privacy when placing the trash out for collection. The evidence in this case was judged to have been "in plain view." This concept, which can be applied in a variety of circumstances, holds that a police officer cannot reasonably be expected to divert his attention from incriminating evidence that is clearly visible. Even in the absence of a warrant, evidence obtained in this manner can be presented in court.

A dissent in this case, written by Justice Brennan, compared the opaque, sealed plastic bag to letters and sealed packages that are handled by the post office. Generally, a warrant is required to inspect the contents of a letter or package. In Brennan's opinion, the contents of a trash bag "are not inherently any less private."

14

GETTING INVOLVED/ GET IT TOGETHER

DAY 2

Begin the lesson by having the students read Part 1—"Even the Mayor?" of the printed case study that is in the student portfolio. Discuss with the class the questions that follow it. Then allow the students time to read Part 2 of the case study, "The Unsuspecting Suspect," and discuss the questions that conclude the lesson.

Note: Before the end of this class period, assign the summary reading, the decision, and the follow-up questions on the Supreme Court case "*New Jersey v. T.L.O.* (1985)," located in the student portfolio. This assignment will serve as the basis for Day 3 activities.

Case Study

Part 1—Even the Mayor?

On a brisk evening in March, a squad car pulled up in front of Mike's apartment building. As it came to a screeching halt, Kate jumped out of the car and ran up to the apartment-house front door.

What appeared to be a police emergency at her own residence was simply a late arrival—Kate was meeting Sara and Mei Wuang, who were to accompany her on a "ride-along." Sara was excited about the experience because she wanted to experience law and order firsthand. Her career interest is the legal profession. Mei Wuang was curious about how American police would contrast with those she remembered as a teenager under Communist rule in China. Both wanted to see in person if the law really is applied to all citizens and how the right to individual liberty and society's need for order sometimes clash.

As they got into the squad car, Mei Wuang described examples of totalitarian police behaviors she remembered, such as random stops and searches in her neighborhood and even arrests without cause. Kate reminded Mei Wuang that liberty is a fundamental value and an important individual right, but also that police must have some authority so that ordered liberty can be maintained. Sara asked Kate about the discretion she has in matters such as traffic stops. Her questions suggested a belief that Kate (and other officers) could apply less stringent law and order to certain citizens, such as government officials. Kate explained how the rule of law applies to every citizen…the mayor, the governor, and even the president of the United States, citing the Whitewater investigations and other presidential scandals that became legal issues.

Following some routine patrols and a couple of traffic stops for speeding and disobeying a traffic signal, Kate encountered a highway patrol sobriety checkpoint. As they waited in the short line of cars, she pointed out to Mei Wuang and Sara that this was an example of how the rule of law applies equally to everyone; everyone was getting checked—including the mayor, who happened to be two cars ahead of theirs. Mei Wuang was amazed that a mayor would be stopped and questioned. She explained that police behavior under communism is more arbitrary, in that they would simply pick out who they thought looked suspicious. While in line, Sara questioned whether the sobriety checkpoint was an intrusion on one's liberties. Kate described this inconvenience as a slight infringement on liberty on behalf of order and the common good (i.e., freedom from the hazards of drunk drivers).

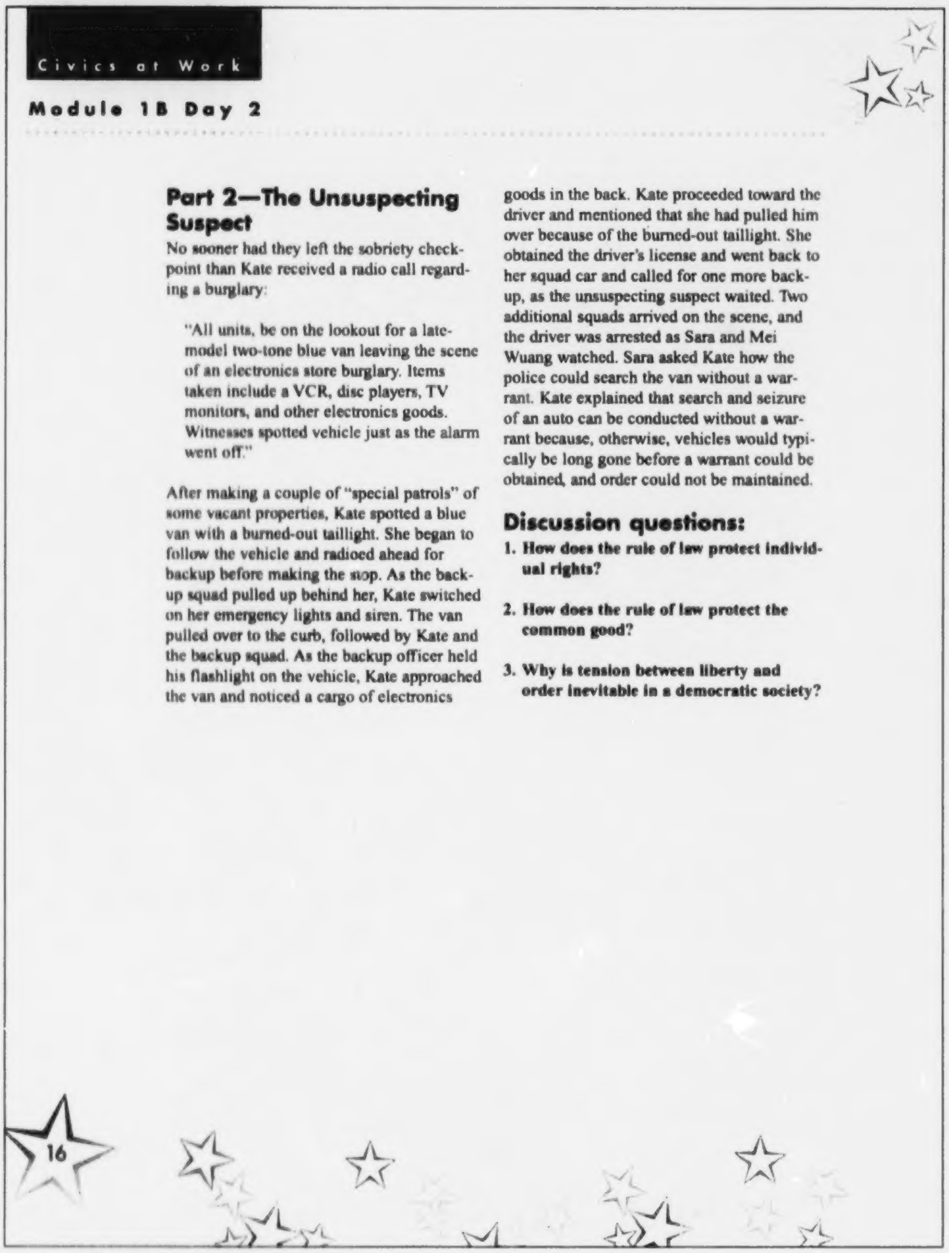
Discussion questions:

1. **Why did the mayor have to stop and be questioned?**

2. **Why couldn't the police arbitrarily stop vehicles for sobriety checks?**

3. **Why is it important that the rule of law apply equally to all?**

1. *In a representative democracy the rule of law applies to all people, regardless of their position in government or in society.*
2. *In this situation, the application of the law requires that all drivers be stopped, without favoritism or prejudice.*
3. *Equal protection of the law, as guaranteed by the Fourteenth Amendment, would be meaningless if an individual or a group received special privileges or was deprived of basic rights.*



Module 1B Day 2

Part 2—The Unsuspecting Suspect

No sooner had they left the sobriety checkpoint than Kate received a radio call regarding a burglary:

> "All units, be on the lookout for a late-model two-tone blue van leaving the scene of an electronics store burglary. Items taken include a VCR, disc players, TV monitors, and other electronics goods. Witnesses spotted vehicle just as the alarm went off."

After making a couple of "special patrols" of some vacant properties, Kate spotted a blue van with a burned-out taillight. She began to follow the vehicle and radioed ahead for backup before making the stop. As the backup squad pulled up behind her, Kate switched on her emergency lights and siren. The van pulled over to the curb, followed by Kate and the backup squad. As the backup officer held his flashlight on the vehicle, Kate approached the van and noticed a cargo of electronics goods in the back. Kate proceeded toward the driver and mentioned that she had pulled him over because of the burned-out taillight. She obtained the driver's license and went back to her squad car and called for one more backup, as the unsuspecting suspect waited. Two additional squads arrived on the scene, and the driver was arrested as Sara and Mei Wuang watched. Sara asked Kate how the police could search the van without a warrant. Kate explained that search and seizure of an auto can be conducted without a warrant because, otherwise, vehicles would typically be long gone before a warrant could be obtained, and order could not be maintained.

Discussion questions:

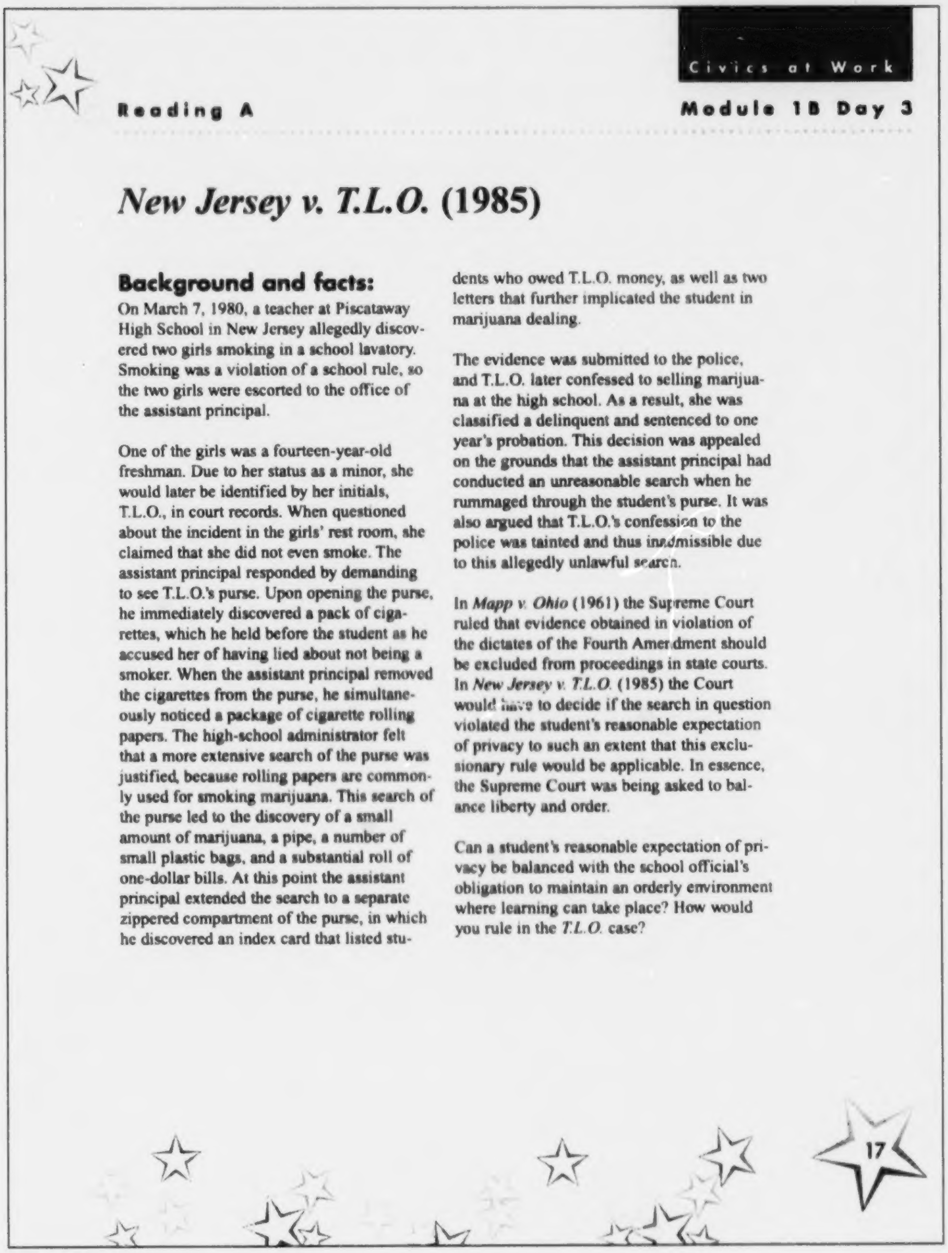
1. **How does the rule of law protect individual rights?**
2. **How does the rule of law protect the common good?**
3. **Why is tension between liberty and order inevitable in a democratic society?**

1. *Due process of law requires the government to treat all people fairly. Fairness means that basic rights are guaranteed and respected by the government.*
2. *If one group or even one individual can be discriminated against by the government, then no one's rights are secure. Society as a whole benefits when rights are respected without regard to one's position in that society.*
3. *Maintaining order in society requires an adherence to the common good, while the exercise of individual rights requires a respect for liberty. It is inevitable that the exercise of individual rights will, at times, conflict with the common good. Generally, the courts settle such conflicts.*

DAY 3

CIVICS LIVE

The first part of this class period should be devoted to a review of the follow-up questions that accompany the decision summary of "*New Jersey v. T.L.O.* (1985)." This would be a good opportunity to emphasize to the students that, even if they personally disagree with the Supreme Court's decision in this particular case, one can appreciate that the Court often has to balance a respect for individual rights with our collective need for order in society. After reviewing the *T.L.O.* case, the students should be asked to examine their own school handbook or code of conduct to determine if the stated policy and procedures are consistent with the Supreme Court's ruling. This would also be an excellent opportunity to invite the school official who enforces the code of conduct to class to openly discuss the issue of searches.



Reading A **Module 1B Day 3**

New Jersey v. T.L.O. (1985)

Background and facts:

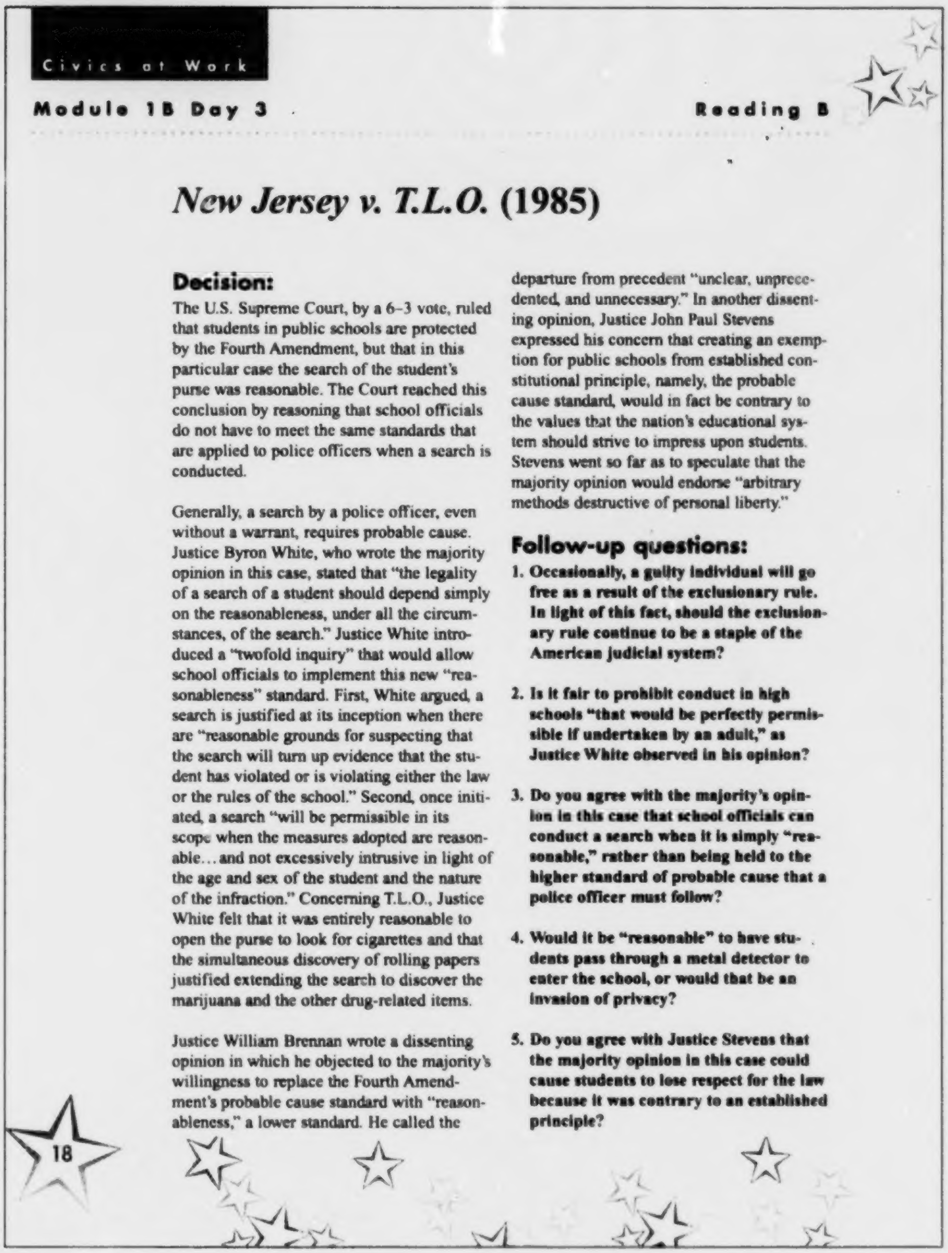
On March 7, 1980, a teacher at Piscataway High School in New Jersey allegedly discovered two girls smoking in a school lavatory. Smoking was a violation of a school rule, so the two girls were escorted to the office of the assistant principal.

One of the girls was a fourteen-year-old freshman. Due to her status as a minor, she would later be identified by her initials, T.L.O., in court records. When questioned about the incident in the girls' rest room, she claimed that she did not even smoke. The assistant principal responded by demanding to see T.L.O.'s purse. Upon opening the purse, he immediately discovered a pack of cigarettes, which he held before the student as he accused her of having lied about not being a smoker. When the assistant principal removed the cigarettes from the purse, he simultaneously noticed a package of cigarette rolling papers. The high-school administrator felt that a more extensive search of the purse was justified, because rolling papers are commonly used for smoking marijuana. This search of the purse led to the discovery of a small amount of marijuana, a pipe, a number of small plastic bags, and a substantial roll of one-dollar bills. At this point the assistant principal extended the search to a separate zippered compartment of the purse, in which he discovered an index card that listed students who owed T.L.O. money, as well as two letters that further implicated the student in marijuana dealing.

The evidence was submitted to the police, and T.L.O. later confessed to selling marijuana at the high school. As a result, she was classified a delinquent and sentenced to one year's probation. This decision was appealed on the grounds that the assistant principal had conducted an unreasonable search when he rummaged through the student's purse. It was also argued that T.L.O.'s confession to the police was tainted and thus inadmissible due to this allegedly unlawful search.

In *Mapp v. Ohio* (1961) the Supreme Court ruled that evidence obtained in violation of the dictates of the Fourth Amendment should be excluded from proceedings in state courts. In *New Jersey v. T.L.O.* (1985) the Court would have to decide if the search in question violated the student's reasonable expectation of privacy to such an extent that this exclusionary rule would be applicable. In essence, the Supreme Court was being asked to balance liberty and order.

Can a student's reasonable expectation of privacy be balanced with the school official's obligation to maintain an orderly environment where learning can take place? How would you rule in the *T.L.O.* case?



Module 1B Day 3 **Reading B**

New Jersey v. T.L.O. (1985)

Decision:

The U.S. Supreme Court, by a 6–3 vote, ruled that students in public schools are protected by the Fourth Amendment, but that in this particular case the search of the student's purse was reasonable. The Court reached this conclusion by reasoning that school officials do not have to meet the same standards that are applied to police officers when a search is conducted.

Generally, a search by a police officer, even without a warrant, requires probable cause. Justice Byron White, who wrote the majority opinion in this case, stated that "the legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search." Justice White introduced a "twofold inquiry" that would allow school officials to implement this new "reasonableness" standard. First, White argued, a search is justified at its inception when there are "reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school." Second, once initiated, a search "will be permissible in its scope when the measures adopted are reasonable…and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." Concerning T.L.O., Justice White felt that it was entirely reasonable to open the purse to look for cigarettes and that the simultaneous discovery of rolling papers justified extending the search to discover the marijuana and the other drug-related items.

Justice William Brennan wrote a dissenting opinion in which he objected to the majority's willingness to replace the Fourth Amendment's probable cause standard with "reasonableness," a lower standard. He called the departure from precedent "unclear, unprecedented, and unnecessary." In another dissenting opinion, Justice John Paul Stevens expressed his concern that creating an exemption for public schools from established constitutional principle, namely, the probable cause standard, would in fact be contrary to the values that the nation's educational system should strive to impress upon students. Stevens went so far as to speculate that the majority opinion would endorse "arbitrary methods destructive of personal liberty."

Follow-up questions:

1. **Occasionally, a guilty individual will go free as a result of the exclusionary rule. In light of this fact, should the exclusionary rule continue to be a staple of the American judicial system?**

2. **Is it fair to prohibit conduct in high schools "that would be perfectly permissible if undertaken by an adult," as Justice White observed in his opinion?**

3. **Do you agree with the majority's opinion in this case that school officials can conduct a search when it is simply "reasonable," rather than being held to the higher standard of probable cause that a police officer must follow?**

4. **Would it be "reasonable" to have students pass through a metal detector to enter the school, or would that be an invasion of privacy?**

5. **Do you agree with Justice Stevens that the majority opinion in this case could cause students to lose respect for the law because it was contrary to an established principle?**

TECHNOLOGY-BASED RESEARCH ACTIVITY

Arrange computer-lab time for the purpose of using Volume I, Segments 4 and 5 from the CD-ROM entitled *U.S. Government: The First 200 Years.* While using these segments, students will experience the developments in U.S. government between the years 1783 and 1789. Ask individuals or small groups of students to select Feature Presentations 4 and 5 from the "Contents" pull-down menu. As they view the material, have the students select one or more of the following activities:

1. **Note and develop a report on CD-ROM content that provides a historical foundation for concepts illustrated in the printed case study for this unit. Students may wish to use a computer-based device, such as a "notepad" feature, for developing their report.**

2. **Have the students locate one or more pictures or graphics from the presentations that represent the concepts emphasized in this unit. These images can be printed and used to create a collage as a unit project. A brief narrative can be required to describe the relevance of the pictures. (Note: A color printer is preferred for this activity. Pictures can be printed after clicking on the large magnifying-glass button found in the upper right-hand corner of the viewing area.)**

3. **Develop a one-page report to capsulize the historical development of U.S. government as presented in the segments studied.**

4. **Select a concept or person from the segments and develop a brief research report using the CD-ROM-based resources (e.g., encyclopedia, search function) and outside resources (e.g., library, Internet).**

Note: For tips on the use of the CD-ROM with the entire class, see page 7 of the CD-ROM User's Guide, which is located in the cover of the CD-ROM case.

CIVICS AT WORK

If possible, invite a panel of local employers to meet with the class to discuss the use of either the polygraph or drug tests for employment purposes. It is important for the students to understand, prior to meeting with the business people, that the Fourth Amendment protects people primarily from unreasonable searches by the government. A private business, on the other hand, is not restricted to the same extent, and some would argue that drug testing as a prerequisite for employment is even reasonable.

If an in-class meeting of this type is not possible or practical, assign students the task of interviewing a local employer about his or her opinion of the use of polygraph tests or drug tests as instruments to assess prospective employees. Assign this activity on Day 1 of this unit so that they are prepared to present their results on Day 6. If this alternative is utilized, allow time for the students to discuss their own thoughts on the issue, as well as their findings.

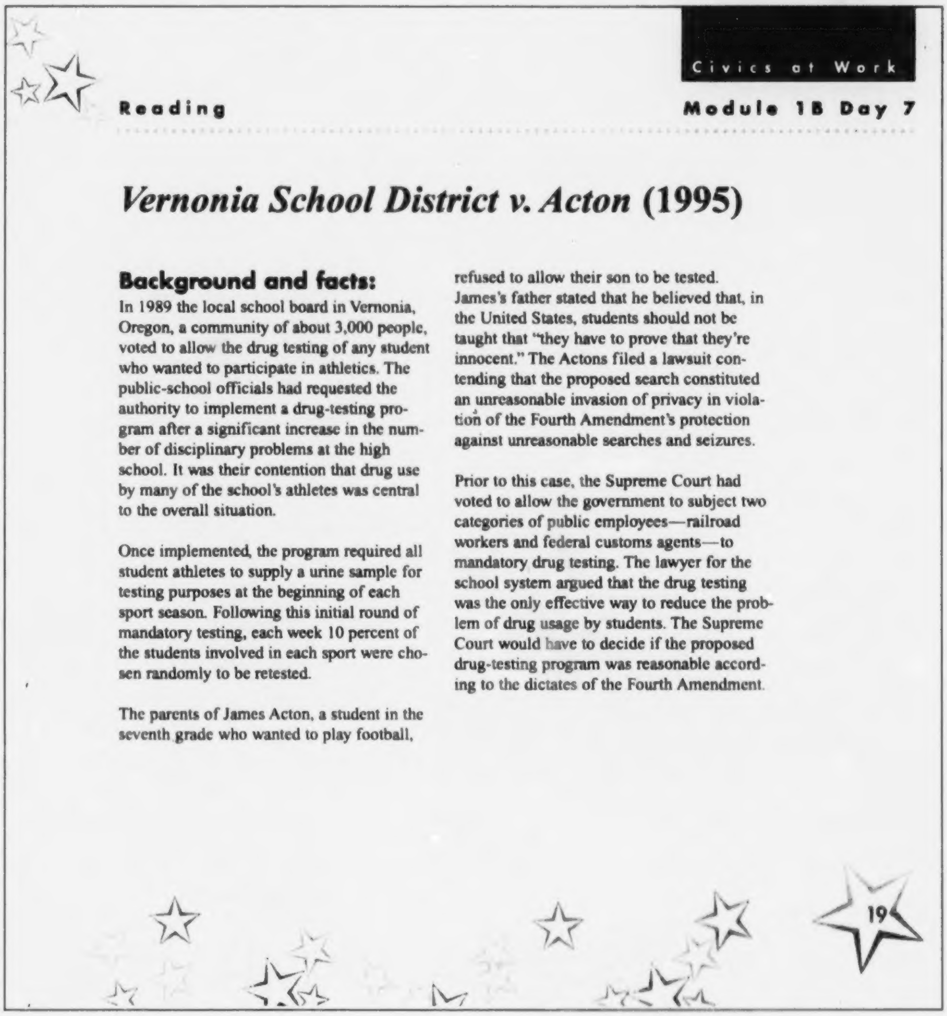
CIVICS FOR REAL

On Day 7 have the students read the summary of the Supreme Court case "*Vernonia School District v. Acton* (1995)." A copy of this summary is in the student portfolio. This case involves the drug testing of public-school students who engage in extracurricular activities. Instruct students to use this resource only and NOT to refer to the actual decisions in the next reading.

After the students are introduced to the facts of the case, inform them that a mock Supreme Court hearing will be conducted to decide it. Two or three students should be selected to represent the school district, and two or three should be chosen to represent the student who objected to the drug testing. In addition, a panel of approximately nine students should be selected to compose the Supreme Court. Those students who are not selected to fill one of these roles can act as newspaper reporters who have the task of writing an article on the proceedings.

The remainder of Day 7 should be used by the "lawyers" to write their opening and closing statements, by the "justices" to write questions for both sides, and by the "reporters" to begin their articles. In order to strengthen their roles, it may be recommended to students that they perform further research on the various arguments in this case by accessing detailed materials through the Civics at Work Internet resources.

On Day 8 the mock hearing should begin with brief opening statements by both sides. The Vernonia School District was the appellant in this case, so the lawyers for the school system address the Court before the lawyers for the student, who is the respondent. After the opening statements, the justices should be allowed time to ask questions of both sides. The two sides should then be allowed a few minutes to offer a closing statement. The justices can render their individual opinions to the class, and their decision can then be compared to the actual Supreme Court ruling.



Civics at Work

Reading **Module 1B Day 7**

Vernonia School District v. Acton (1995)

Background and facts:
In 1989 the local school board in Vernonia, Oregon, a community of about 3,000 people, voted to allow the drug testing of any student who wanted to participate in athletics. The public-school officials had requested the authority to implement a drug-testing program after a significant increase in the number of disciplinary problems at the high school. It was their contention that drug use by many of the school's athletes was central to the overall situation.

Once implemented, the program required all student athletes to supply a urine sample for testing purposes at the beginning of each sport season. Following this initial round of mandatory testing, each week 10 percent of the students involved in each sport were chosen randomly to be retested.

The parents of James Acton, a student in the seventh grade who wanted to play football, refused to allow their son to be tested. James's father stated that he believed that, in the United States, students should not be taught that "they have to prove that they're innocent." The Actons filed a lawsuit contending that the proposed search constituted an unreasonable invasion of privacy in violation of the Fourth Amendment's protection against unreasonable searches and seizures.

Prior to this case, the Supreme Court had voted to allow the government to subject two categories of public employees—railroad workers and federal customs agents—to mandatory drug testing. The lawyer for the school system argued that the drug testing was the only effective way to reduce the problem of drug usage by students. The Supreme Court would have to decide if the proposed drug-testing program was reasonable according to the dictates of the Fourth Amendment.

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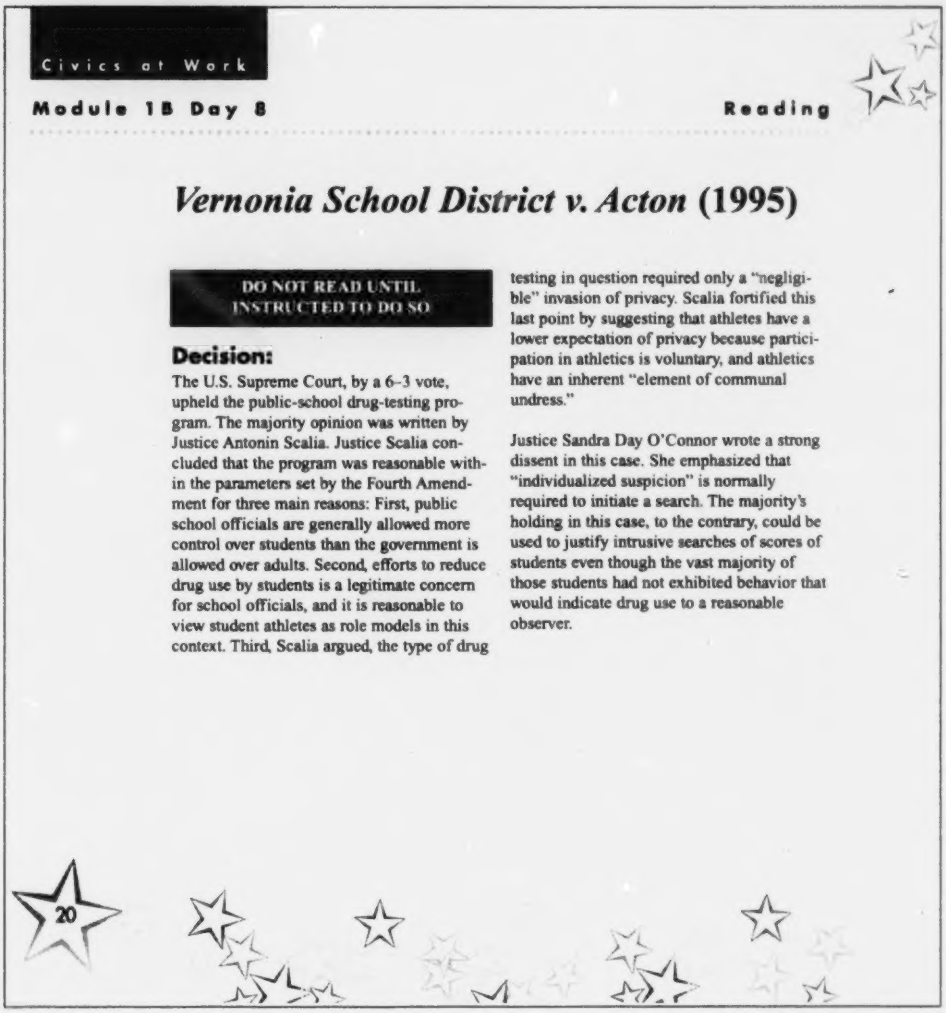

Civics at Work

Module 1B Day 8 **Reading**

Vernonia School District v. Acton (1995)

DO NOT READ UNTIL INSTRUCTED TO DO SO

Decision:

The U.S. Supreme Court, by a 6–3 vote, upheld the public-school drug-testing program. The majority opinion was written by Justice Antonin Scalia. Justice Scalia concluded that the program was reasonable within the parameters set by the Fourth Amendment for three main reasons: First, public school officials are generally allowed more control over students than the government is allowed over adults. Second, efforts to reduce drug use by students is a legitimate concern for school officials, and it is reasonable to view student athletes as role models in this context. Third, Scalia argued, the type of drug testing in question required only a "negligible" invasion of privacy. Scalia fortified this last point by suggesting that athletes have a lower expectation of privacy because participation in athletics is voluntary, and athletics have an inherent "element of communal undress."

Justice Sandra Day O'Connor wrote a strong dissent in this case. She emphasized that "individualized suspicion" is normally required to initiate a search. The majority's holding in this case, to the contrary, could be used to justify intrusive searches of scores of students even though the vast majority of those students had not exhibited behavior that would indicate drug use to a reasonable observer.

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ADDITIONAL RESOURCES

Currie, David P. *The Constitution of the United States: A Primer for the People*. Chicago: University of Chicago Press, 1988.

Equal Protection of the Laws. Program 5 of the AIT video series *The U.S. Constitution*, 1987.

Hall, Kermit L. *By and for the People: Constitutional Rights in American History*. Arlington Heights, Ill.: Harlan Davidson, Inc., 1991.

Limited Government and the Rule of Law. Program 1 of the AIT video series *The U.S. Constitution*, 1987.

Smith, Duane, et al. *We the People....The Citizen and the Constitution*. Calabasas, California: Center for Civic Education, 1995, pp. 53–90.

MODULE 2:

Basic values and principles of American democracy

Individual rights and the common good

"The Government of the Union, then, is emphatically and truly a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them and for their benefit."
—John Marshall, 1810

CONCEPT KEYWORDS

- popular sovereignty
- limited government
- higher law
- constitution
- constitutionalism
- individual rights
- common good

GEARING UP

DAY 1

Begin by having the students read the copy of the Mayflower Compact (1620) that is located in the student resource portfolio. Discuss what is meant by the phrase "for the general good of the Colony" and whether or not the government of the United States is currently dedicated to the common good. Also ask: Who is responsible for ensuring that the government promotes the common good?

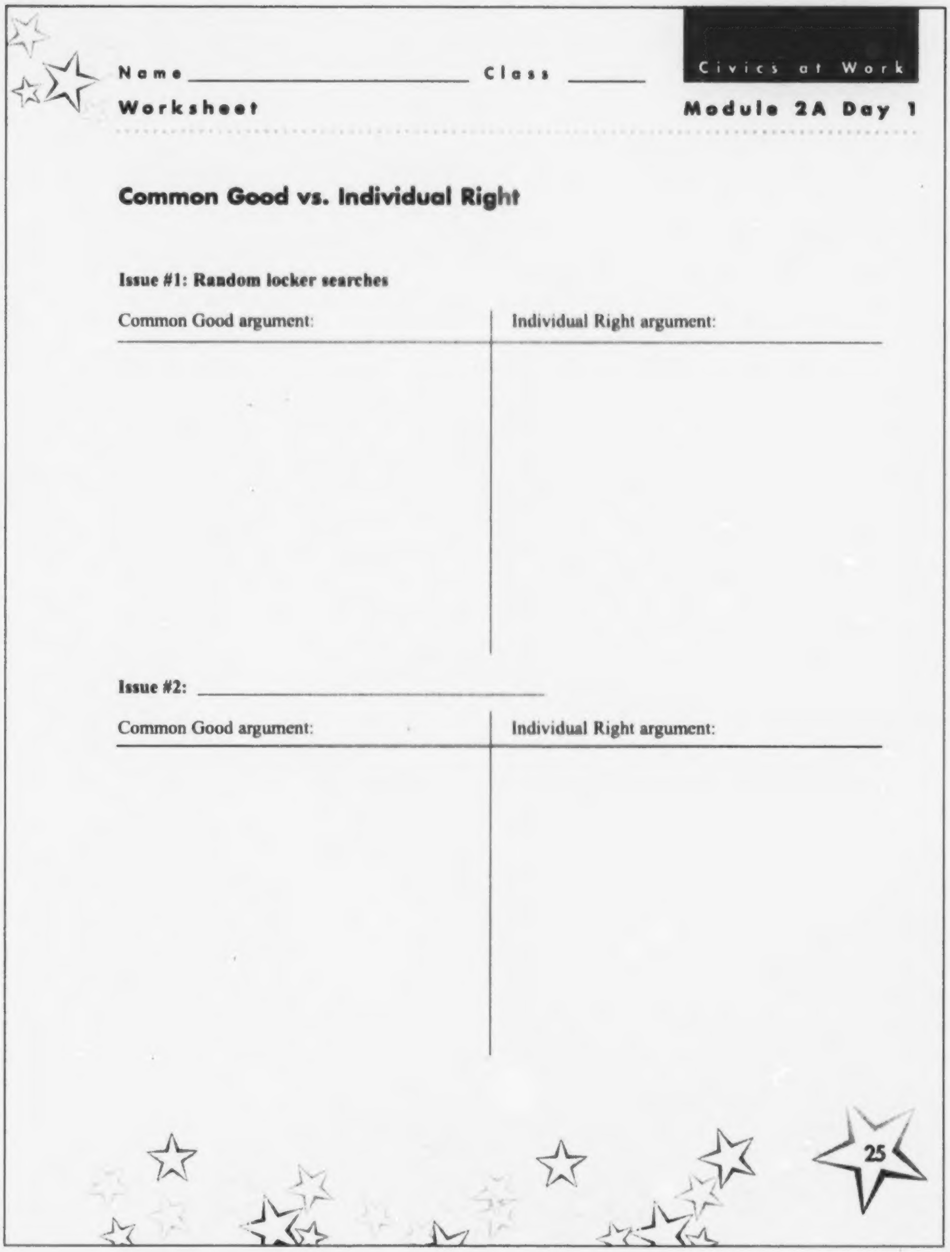
After this introductory discussion, advise the students that they are going to role-play a situation that is intended to illustrate that the common good often comes into conflict with the protection of individual rights. The scenario is that a school board is going to consider whether or not to allow random locker searches in the high school in an effort to prevent the possession and distribution of drugs at school.

Ask the class to identify the common good and the individual right at issue in this role play. After the students have identified the attempt to reduce the use of drugs as the "common good" and the students' expectation of privacy as the "individual right," select seven students to act as the school board. Of the remaining students, half should be designated as citizens who favor random locker searches, and the other half as those who oppose the searches. (This may be done on the basis of actual opinion if some level of balance can be achieved.) Allow the students five to ten minutes to organize their thoughts and then proceed with the mock school-board meeting. After both sides have had a chance to present their views, allow the mock school board a few minutes to deliberate, and then have them render their decision. To conclude the lesson, have the students complete the worksheet entitled "Common Good vs. Individual Right." It requires a summary of the issue covered in class and another issue that would present a similar conflict. This activity can be done in class, or, if there is not sufficient time, it can be assigned for the following class session. The worksheet is used on Day 2 of this unit.

Mayflower Compact (1620)

We whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, etc.

Having undertaken, for the Glory of God and advancement of the Christian Faith and Honour of our King and Country, a Voyage to plant the First Colony in the Northern Parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, Covenant and Combine ourselves together into a Civil Body Politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions, and Offices, from time to time, as shall be thought meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names at Cape Cod, the 11th of November, in the year of the reign of our Sovereign Lord King James, of England, France, and Ireland, the eighteenth and of Scotland, the fiftyfourth. Anno Domini, 1620.



Name ____________________ **Class** ______

Civics at Work

Worksheet

Module 2A Day 1

Common Good vs. Individual Right

Issue #1: Random locker searches

Common Good argument:	Individual Right argument:

Issue #2: ______________________________

Common Good argument:	Individual Right argument:

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GETTING INVOLVED/ GETTING IT TOGETHER

Discuss the "Common Good vs. Individual Right" worksheet and briefly discuss the issues that students speculated would cause such a conflict. (These may be collected and used for assessment purposes.) Conclude this discussion by informing the class that they are going to view a video program that illustrates another situation involving a conflict between the common good and individual rights. Upon conclusion of this discussion, begin the video program.

EST COPY AVAILABLE

VIDEO DESCRIPTION

The video opens with a dramatic fire and shows how a governmental agency, the fire department, protects the common good. Following this fire, the residents of an apartment building discuss the possibility that the city council will vote to build a new fire station on their block. Some of them appreciate that the fire station will serve the common good and that this particular location will place less of a burden on taxpayers than would other possible sites. Other residents voice concerns about how this proposal could infringe upon their individual rights. They refer to the increase in noise and traffic, parking restrictions, and the possibility of a negative effect on property values. The tenants decide to contact a neighbor who is a former member of their city council.

The videotape should be paused when the following questions appear on-screen:

1. **What rights are at stake in this situation?**

   Some of the residents fear that a fire station would infringe upon their privacy and property rights.

2. **What common good is at issue?**

   The community as a whole would benefit from the security that a new fire station would provide.

3. **What actions might citizens take to protest [or support] the proposed fire station?**

   Citizens could contact the members of the city council, attend council meetings, and write letters to the local newspaper. Those favoring the fire station could use all the venues open to citizens who are opposed to the construction of a fire station to express the opposite opinion.

The video concludes by showing how the various members of the group organize to convey their respective messages to the city council. At the conclusion of the videotape, the following on-screen discussion questions can be used to close the lesson:

1. **Why is it important for citizens to be able to express their opinions without fear of government reprisal?**

   Democracy requires free and open discussion to resolve conflicts.

2. **How can citizens be involved in supporting or changing government decisions?**

   Citizens can contact government officials and/or attend public meetings.

3. **Should the city council find a new location for the fire station?**

   Answers will vary.

Teaching tips:

Emphasize to the students that it is incumbent upon government to resolve conflicts in an impartial way that balances respect for rights with what is best for the community as a whole. Also, refer to the First Amendment to the U.S. Constitution and remind the class that citizens can "petition the Government for a redress of grievances." The word petition, in this situation, includes a variety of ways that individuals could express their opinions on the location of the new fire station.

Teaching tips:

- Additional discussion questions:

What are the relationships in this case between individual rights and the common good?

A fire station could serve the entire community, but it could also be a source of inconvenience for people in the neighborhood.

Why is it important for meetings of elected officials to be open to the public?

When does a responsible citizen set aside his or her individual interests for the community as a whole?

Remind the students that in the United States our individual rights have been codified in the Bill of Rights (available through the AIT/Civics at Work Home Page on the Internet) and other documents. On the other hand, a representative democracy such as the United States is dependent upon dedication to the common good and civic virtue. Ask the students to recall times in history, such as World War II, when Americans were called upon to place the national interest above their personal interests. Also, discuss the various ways that citizens display civic virtue—from voting to obeying laws to serving in the military, and a myriad of other activities.

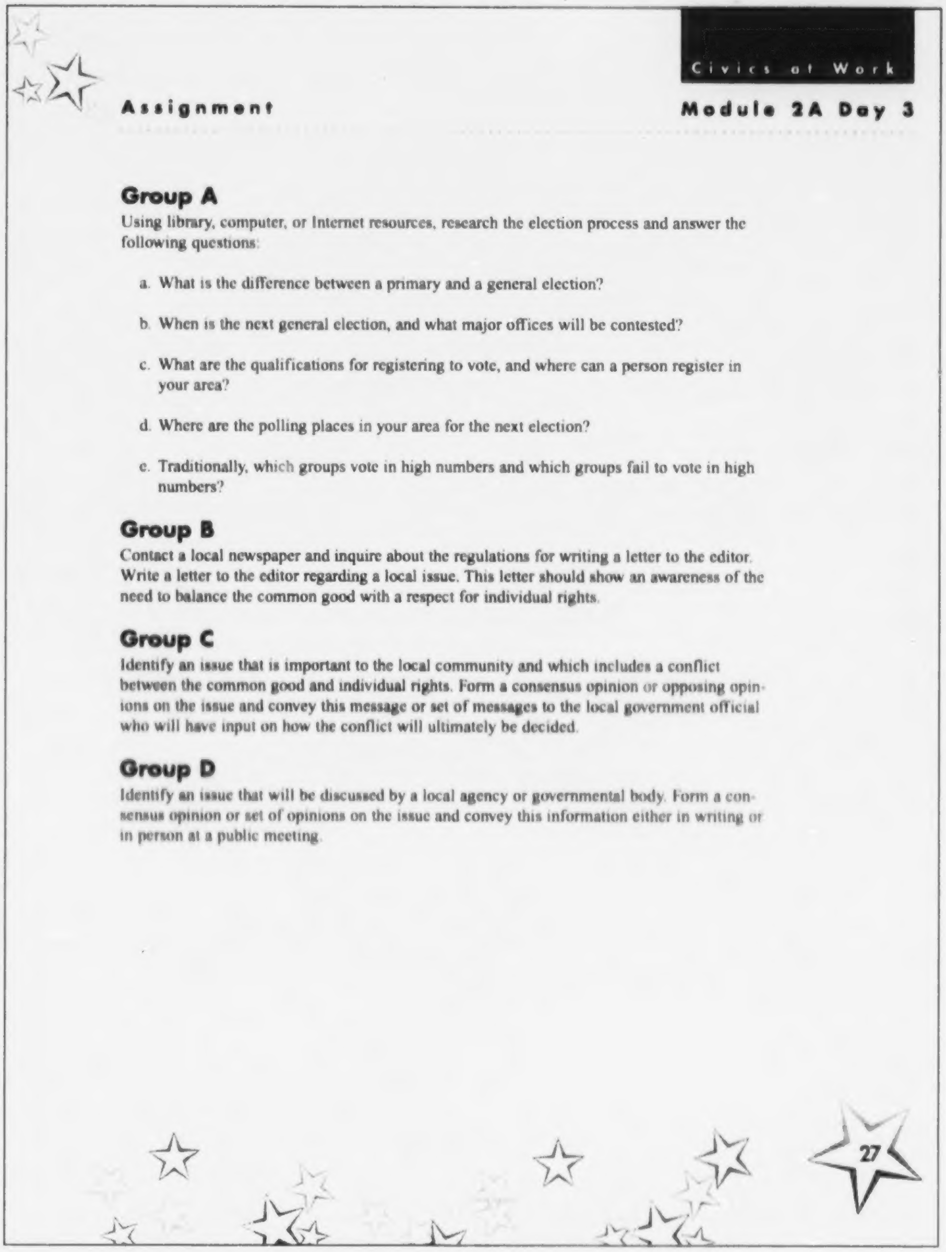
DAY 3

CIVICS LIVE

Ask the students to recite the first three words of the U.S. Constitution. Tell them that the phrase "We the people" is emblematic of the fact that in this country political power and authority ultimately rest with the people. This concept is known as popular sovereignty.

After this introduction, divide the class into groups and select group assignments from the following tasks, which are also listed on the assignment sheet in the resource portfolio. This assignment will serve as the basis for Days 7 and 8 activities.

(NOTE: During this class period, provide suggestions to each of the groups about how they can go about completing their particular task. Also, inform all of the groups that their work should be completed by Day 7 of this unit and that they should keep a record of what they discover via research and communication.)



Civics at Work

Assignment **Module 2A Day 3**

Group A

Using library, computer, or Internet resources, research the election process and answer the following questions:

a. What is the difference between a primary and a general election?

b. When is the next general election, and what major offices will be contested?

c. What are the qualifications for registering to vote, and where can a person register in your area?

d. Where are the polling places in your area for the next election?

e. Traditionally, which groups vote in high numbers and which groups fail to vote in high numbers?

Group B

Contact a local newspaper and inquire about the regulations for writing a letter to the editor. Write a letter to the editor regarding a local issue. This letter should show an awareness of the need to balance the common good with a respect for individual rights.

Group C

Identify an issue that is important to the local community and which includes a conflict between the common good and individual rights. Form a consensus opinion or opposing opinions on the issue and convey this message or set of messages to the local government official who will have input on how the conflict will ultimately be decided.

Group D

Identify an issue that will be discussed by a local agency or governmental body. Form a consensus opinion or set of opinions on the issue and convey this information either in writing or in person at a public meeting.

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TECHNOLOGY-BASED RESEARCH ACTIVITY

Arrange computer-lab time for the purpose of using Volume 1, Segments 6, 7, and 8 from the *U.S. Government: The First 200 Years* CD-ROM. These segments will bring closure to the formation of government during the years 1783–1789, and introduce the early years of U.S. government from 1789 to 1828. Have individuals or small groups of students select Feature Presentations 6, 7, and 8 from the "Contents" pull-down menu. As they view the material, have the students select one or more of the following activities:

1. **Note and develop a report on CD-ROM content that provides a historical foundation for concepts illustrated in the video for this unit. Students may wish to use a computer-based device, such as a "notepad" feature, for developing their report.**

2. **Have the students locate one or more pictures or graphics from the presentations that represent the concepts emphasized in this unit. These images can be printed and used to create a collage as a unit project. A brief narrative can be required to describe the relevance of the pictures. (Note: A color printer is preferred for this activity. Pictures can be printed after clicking on the large magnifying-glass button found in the upper right-hand corner of the viewing area.)**

3. **Develop a one-page report to capsulize the historical development of U.S. government as presented in the segments studied.**

4. **Select a concept or person from the segments and develop a brief research report using the CD-ROM-based resources (e.g., encyclopedia, search function) and outside resources (e.g., library, Internet).**

Note: For tips on the use of the CD-ROM with the entire class, see page 7 of the CD-ROM User's Guide, which is located in the cover of the CD-ROM case.

CIVICS AT WORK

Initiate a brief discussion by asking the students if the government should attempt to prevent drug abuse in order to promote the common good. Focus the discussion on the following question: If a person is released from his or her job for drug use, should that person be eligible for financial assistance or welfare at the public expense? Then tell the students that they are going to review a noted Supreme Court case that examined this issue. Note that this particular case was complicated by the fact that the person's religious liberty—one of our basic individual rights—was directly involved.

Have the students read "*Employment Division of Oregon v. Smith* (1990)," which is located in the student portfolio. Ask students NOT to read the case decision until instructed to do so. Divide the class into small groups and have the groups briefly discuss and then decide the case. Have the various groups report on how they decided the case. After the students have rendered their opinions, describe the actual decision by the U.S. Supreme Court. The decision appears in the resource portfolio on a separate sheet of paper. Ask students not to read the actual decision until they have developed their own opinion. For added challenge, extend this activity to a second lesson and ask students to research details of this case, using the Civics at Work Internet Resources, and to include their findings with their reports.

To conclude the lesson, have the students read the first five paragraphs of the *New York Times* article entitled "New Law Protects Religious Practices" and the *Newsweek* article entitled "Between a Wing and a Prayer." Copies of both of these articles can be found in the student portfolio. Ask the students how they would settle the conflict described in the *Newsweek* story, since it involved the clash of two valid laws—the Religious Freedom Restoration Act and the Endangered Species Act. If there is insufficient time in class, this could be an assignment.

Employment Division of Oregon v. Smith (1990)

Background and facts:

Alfred Smith, a Native American, worked as a counselor for a private drug and alcohol rehabilitation center in Oregon. He was fired from his job, however, after his employer learned that Smith ingested peyote. Peyote is a hallucinogenic drug that is produced by the peyote cactus.

Smith applied for but was denied unemployment benefits by the State of Oregon. The basis for this denial was the fact that Smith had been discharged for criminal behavior because peyote was listed as an illegal drug by the state. Smith challenged the decision of this government agency in court by claiming that his use of peyote was solely for religious purposes. Smith was a member of the Native American Church, which uses peyote as a ceremonial sacrament to induce religious visions. Smith's constitutional claim was founded upon the First Amendment, which prohibits the government from denying the free exercise of religion.

Question: Did the State of Oregon violate the guarantee of free exercise of religion by making the sacramental use of peyote illegal?

Employment Division of Oregon v. Smith (1990)

DO NOT READ UNTIL INSTRUCTED TO DO SO

Decision:

The U.S. Supreme Court, by a 6–3 vote, ruled that a state could outlaw the use of the drug peyote without exception and that this action by a state was not a violation of the First Amendment's guarantee of free exercise of religion.

The majority opinion was written by Justice Antonin Scalia. He reasoned that the state had a legitimate reason to make the drug peyote illegal, that being to prevent the use of drugs and not to persecute anyone for his or her religious beliefs. For Scalia, the law's impact upon religion was "merely the incidental effect" of an otherwise valid statute. The law was neutral on the subject of religion, according to Scalia. He also emphasized that a person's religious beliefs should not excuse that person from obeying a valid and neutral law.

Possibly the greatest impact of the majority opinion in this case will be a result of the fact that the Court abandoned the precedent that required states to demonstrate a "compelling state interest" to enforce a law that infringed upon religious liberty. It was the abandonment of this precedent that was strongly criticized by Justice Sandra Day O'Connor in her dissenting opinion.

New York Times
November 17, 1993
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New Law Protects Religious Practices

By PETER STEINFELS
Special to The New York Times

WASHINGTON, Nov. 16 — President Clinton today signed into law legislation requiring the Government to meet stringent standards before instituting measures that might interfere with religious practices.

The new law, the Religious Freedom Restoration Act, overturns a 1990 Supreme Court ruling that set a looser standard for laws that restrict religious practices.

That ruling, Employment Division v. Smith, abandoned a long accepted principle of constitutional interpretation that required the Government to demonstrate a "compelling state interest" to justify any measure restricting religious practices. Under the ruling, restrictions were acceptable as long as they were not aimed at religious groups alone.

The new law restores the old standard, and even in cases where Government concerns like health or safety do justify infringements of religious practices, the new law requires the use of whatever means would be least restrictive to religion.

After the 1990 decision, religious groups could not claim exemptions from routine legislation or regulations on the basis of the First Amendment's guarantee of religious freedom.

Gore Hails New Law

Speaking at the White House signing ceremony today, Vice President Al Gore illustrated the kind of cases that have been affected.

"Those whose religion forbids autopsies have been subjected to mandatory autopsies," he said. "Those who want churches close to where they live have seen churches zoned out of residential areas. Those who want the freedom to design their churches have seen local governments dictate the configuration of their building."

Supporters of the law say that 50 to 60 cases of government infringements on religious practices have been justified in the courts on the basis of the 1990 ruling.

President Clinton hailed the new law at the signing ceremony, saying that it held government "to a very high level of proof before it interferes with someone's free exercise of religion."

J. Brent Walker, general counsel of the Baptist Joint Committee on Public Affairs called the new law "the most significant piece of legislation dealing with our religious liberty in a generation."

His sentiments were echoed by many other members of an unusual coalition of liberal, conservative and religious groups that had pressed for the new law. The coalition included the National Association of Evangelicals, the Southern Baptist Convention, the National Council of Churches, the American Jewish Congress, the National Conference of Catholic Bishops, the Mormon Church, the Traditional Values Coalition and the American Civil Liberties Union.

In the Senate, where the bill was approved 97 to 3 on Oct. 27, it was sponsored by Senators Edward M. Kennedy, Democrat of Massachusetts, and Orrin G. Hatch, Republican of Utah. In the House, which passed the bill last May by a voice vote without objection, it was sponsored by Representative Charles E. Schumer, Democrat of Brooklyn, and Representative Christopher C. Cox, Republican of California.

President Clinton voiced wonder today at this alliance of forces that are often at odds across religious or ideological lines. "The power of God is such that even in the legislative process miracles can happen," he said.

Case in Oregon

The 1990 case upheld the denial of unemployment benefits by the State of Oregon to an American Indian who was dismissed from a job in a drug rehabilitation program for using the hallucinogenic drug peyote as part of a ritual of the Native American Church. Oregon has a general law banning peyote use, which at that time did not exempt its use for religious purposes.

The Court's majority decision, written by Justice Antonin Scalia, held that the First Amendment did not oblige Oregon to show a "compelling state interest" for refusing such an exemption. If such exemptions were to be established, it had to be done by legislation, not the courts, Justice Scalia said.

Although supporters of the Religious Freedom Restoration Act saw that ruling as having wide implications, especially for small religious groups without political muscle, they said they at first found it hard to rouse public concern about a case involving hallucinogenic drugs.

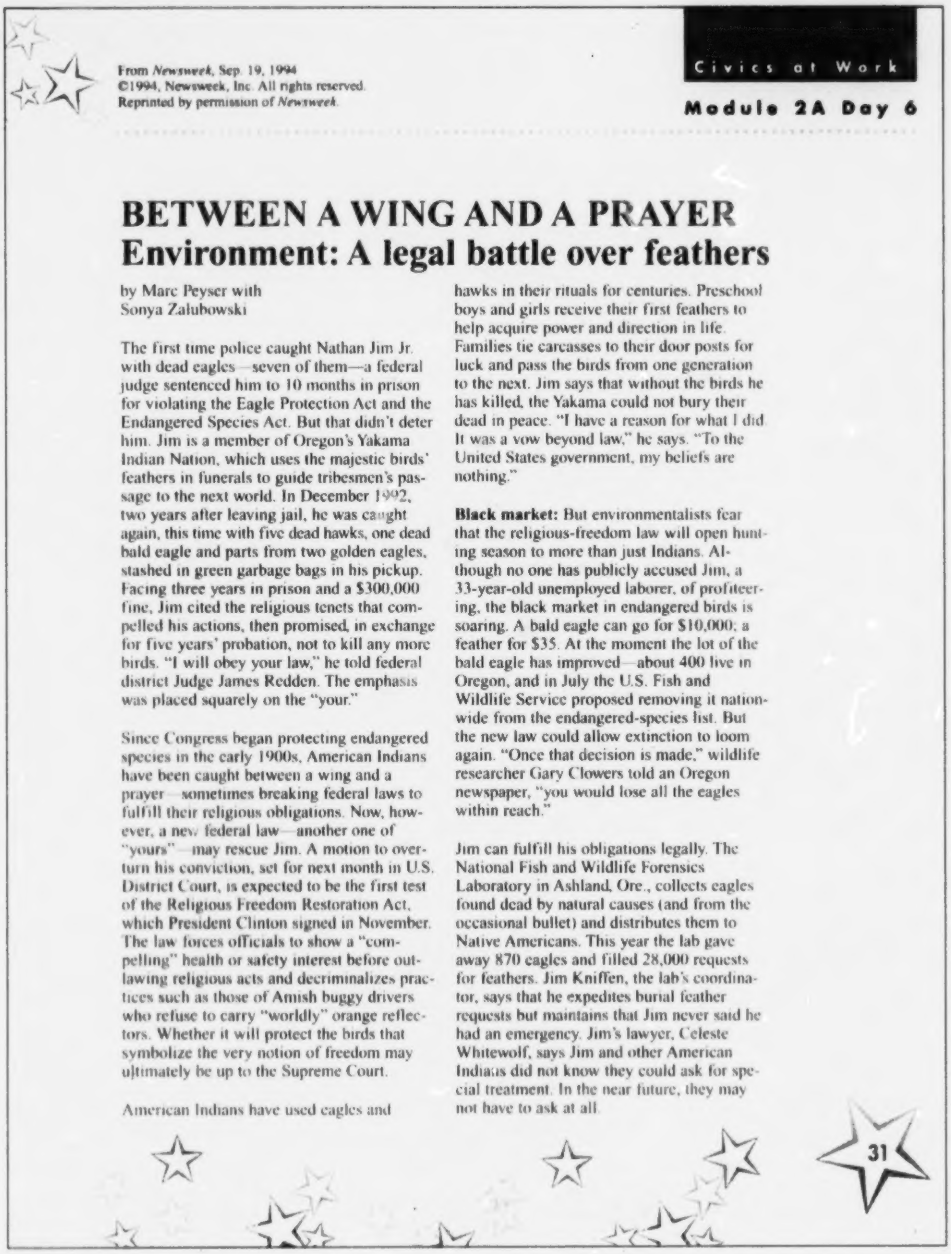
The bill faced two other obstacles on its way to passage. One was the reluctance of Roman Catholic church officials, who represent the largest church in the United States, to join the coalition. The bishops feared that the new legislation might create fresh religious grounds for claiming abortion rights or for blocking public financing of church-sponsored social services.

Last March, small modifications won the support of the Catholic bishops' conference.

Then objections arose from prison officials and the attorneys general of some states, who complained that the legislation would bog down prison officials with lawsuits demanding special diets or other privileges based on inmates' religious beliefs.

Faced with an amendment in the Senate excluding prisons from the provisions of the bill, supporters warned that it would open the way for further exceptions and that the valid concerns of prison officials could be met under the "compelling state interest" standard.

The defeat of the amendment by a vote of 48 to 41 last month cleared the way for final passage of the legislation



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BETWEEN A WING AND A PRAYER
Environment: A legal battle over feathers

by Marc Peyser with
Sonya Zalubowski

The first time police caught Nathan Jim Jr. with dead eagles—seven of them—a federal judge sentenced him to 10 months in prison for violating the Eagle Protection Act and the Endangered Species Act. But that didn't deter him. Jim is a member of Oregon's Yakama Indian Nation, which uses the majestic birds' feathers in funerals to guide tribesmen's passage to the next world. In December 1992, two years after leaving jail, he was caught again, this time with five dead hawks, one dead bald eagle and parts from two golden eagles, stashed in green garbage bags in his pickup. Facing three years in prison and a $300,000 fine, Jim cited the religious tenets that compelled his actions, then promised, in exchange for five years' probation, not to kill any more birds. "I will obey your law," he told federal district Judge James Redden. The emphasis was placed squarely on the "your."

Since Congress began protecting endangered species in the early 1900s, American Indians have been caught between a wing and a prayer—sometimes breaking federal laws to fulfill their religious obligations. Now, however, a new federal law—another one of "yours"—may rescue Jim. A motion to overturn his conviction, set for next month in U.S. District Court, is expected to be the first test of the Religious Freedom Restoration Act, which President Clinton signed in November. The law forces officials to show a "compelling" health or safety interest before outlawing religious acts and decriminalizes practices such as those of Amish buggy drivers who refuse to carry "worldly" orange reflectors. Whether it will protect the birds that symbolize the very notion of freedom may ultimately be up to the Supreme Court.

American Indians have used eagles and hawks in their rituals for centuries. Preschool boys and girls receive their first feathers to help acquire power and direction in life. Families tie carcasses to their door posts for luck and pass the birds from one generation to the next. Jim says that without the birds he has killed, the Yakama could not bury their dead in peace. "I have a reason for what I did. It was a vow beyond law," he says. "To the United States government, my beliefs are nothing."

Black market: But environmentalists fear that the religious-freedom law will open hunting season to more than just Indians. Although no one has publicly accused Jim, a 33-year-old unemployed laborer, of profiteering, the black market in endangered birds is soaring. A bald eagle can go for $10,000; a feather for $35. At the moment the lot of the bald eagle has improved—about 400 live in Oregon, and in July the U.S. Fish and Wildlife Service proposed removing it nationwide from the endangered-species list. But the new law could allow extinction to loom again. "Once that decision is made," wildlife researcher Gary Clowers told an Oregon newspaper, "you would lose all the eagles within reach."

Jim can fulfill his obligations legally. The National Fish and Wildlife Forensics Laboratory in Ashland, Ore., collects eagles found dead by natural causes (and from the occasional bullet) and distributes them to Native Americans. This year the lab gave away 870 eagles and filled 28,000 requests for feathers. Jim Kniffen, the lab's coordinator, says that he expedites burial feather requests but maintains that Jim never said he had an emergency. Jim's lawyer, Celeste Whitewolf, says Jim and other American Indians did not know they could ask for special treatment. In the near future, they may not have to ask at all.

CIVICS FOR REAL

On Day 7 allow the students the time necessary to compile the results of the research assignment that they were given on Day 3. Advise the four groups that they should compose a detailed report of their findings that will be presented to the class on the following day.

On Day 8 have the four groups report on the results of their research. After the groups have presented their reports, ask the individual groups to resolve these questions:

Group A

What is meant by the term *popular sovereignty*?

Representative government ruled by the people.

Group B
Who should have the authority to determine what is best for the community as a whole?

Answers will vary. In a republic such as the United States, elected officials are charged with this responsibility.

Group C
Are the rights guaranteed by the Bill of Rights absolute?

No, they are not. Generally, rights are limited to the extent that you cannot interfere with another's rights.

Group D
Why is it important for citizens to be aware of the issues being considered by local agencies and elected officials?

Answers will vary. The Founding Fathers recognized that an informed citizenry is the key ingredient to the survival of a republic.

Additional Resources

Bodenhamer, David J., and James W. Ely, Jr. *The Bill of Rights in Modern America after 200 Years*. Bloomington: Indiana University Press, 1993.

The Constitution and the Economy. Program 6 of the AIT video series *The U.S. Constitution*, 1987.

Meltzer, Milton. *The Bill of Rights*. New York: Thomas Y. Crowell, 1990.

Smith, Duane, et al. *We the People.... The Citizen and the Constitution*. Calabasas, Calif.: Center for Civic Education, 1995, pp. 153–69.

MODULE 2:

The basic values and principles of American democracy

Constitutionalism and representative democracy

"Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."
—Edmund Burke, 1774

CONCEPT KEYWORDS

- representative democracy
- direct democracy
- elections
- representation

Advance Planning: See Days 7 and 8 activities for pre-planning. You may need to arrange for the recommended activities 1–2 weeks in advance of class.

DAY 1

GEARING UP

Begin by asking the students if they can describe the difference between a direct democracy and a representative democracy. Discuss the advantages and disadvantages of both, emphasizing that representative democracy, as practiced in the United States, requires a balance between majority rule and minority rights.

After this brief introduction, tell the students that the Federalist Papers are a series of essays that were written by Alexander Hamilton, John Jay, and James Madison and were intended to generate support for the Constitution when it was proposed in 1787. Tell the students that they are going to read two of these essays, both by Madison, on the need to balance majority rule with minority rights. The essays are located in the student portfolio.

After the students have read *The Federalist* No. 10, use the five questions at the end of the essay to discuss Madison's ideas about democratic government. Following this discussion, have the students read *The Federalist* No. 51 and discuss the essay by using the four questions that are provided. If there is insufficient time to use these questions in class, the students can be assigned them for the next class.

For added challenge, ask students to select and read other Federalist Papers from the 85 found at "Civics Documents" in the Civics at Work Internet Resources that relate to democracy and representation. Students may be asked to comment on their findings in a subsequent class.

James Madison and the Federalist Papers, pp. 49-51.
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Madison on Majority Rule and Minority Rights

Madison's Position on Free Government

James Madison believed that a **free government** is based on the popular majority; but it is limited by the higher law of the Constitution to protect the rights and liberties of individuals in the minority. He supported popular participation in government, but only as a means to the protection of the individual's life, liberty, and property, and never as an end in itself.

Popular sovereignty in a republic, government by the people, implies majority rule. In a republic (a popular government), people elect representatives in government by majority vote, and these representatives of the people make laws by majority vote. However, a popular or republican form of government can pose dangers to the rights and freedoms of individuals. Majorities might oppress minorities who disagree with them, unless effective limits are placed on majority rule. Thus, James Madison and other supporters of the Federalist cause in 1787–88 believed that constitutional limits should restrict majority rule, but only for the higher purpose of securing the rights and liberties of individuals in the minority.

Madison equally opposed the absolutism of a monarch (the tyranny of one), of an aristocracy or oligarchy (tyranny of the few over the many), or of a popular majority (tyranny of the many over the few). Madison argued that the greatest threat to liberty in a republic (government by representatives of the people) would come from unrestrained majority rule.

At the Federal Convention in Philadelphia Madison stated his concern about the possible tyranny of the majority, when he said that the purposes of the Constitution were, first, "to protect the people against their rulers [and] secondly, to protect the people against the transient impressions [toward tyranny] into which they themselves might be led." Madison warned that reliance on popular participation in government to prevent tyranny would fail; because popular majorities that resulted from direct participation of the people in government could have the power, if not limited by a well-structured constitution, to trample the rights and freedoms of minorities.

The Federalist Nos. 10 and 51

Madison memorably discussed majority rule and minority rights in a free and republican form of government in *The Federalist* 10 and 51. Number 10 was printed for the first time on November 22, 1787, in *The Daily Advertiser* of New York City. It was the first of 29 papers by Madison for *The Federalist*. Read the following excerpts from these two essays and respond to the questions that come after them.

The Federalist No. 10 (Madison)

November 22, 1787

To the People of the State of New York:

AMONG the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. . . .

Module 2B Day 1

By a faction I understand [mean] a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated [motivated to action] by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community....

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government...enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction [an overbearing majority], and at the same time to preserve the spirit and the form of popular government [majority rule], is then the great object to which our inquiries are directed....

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression....

From this view of the subject it may be concluded that a pure [direct] democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction [majoritarian tyranny]. A common passion or interest will, in almost every case, be felt by a majority of the whole...and there is nothing to check the inducements to sacrifice [oppress] the weaker party or an obnoxious individual. Hence it is that such democracies [with unlimited majority rule] have ever been spectacles of turbulence [disorder] and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would at the same time be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking....

The two great points of difference between a [direct and unlimited] democracy and a republic are: first, the delegation of the government, in the latter [republic], to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country over which the latter [republic] may be extended.

The effect of the first difference is...to refine and enlarge the public views by passing them through the medium of a chosen body of citizens [elected representatives of the people], whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose....

[The effect of the second difference], the greater number of citizens and extent of territory which may be brought within…republican [government]…renders factious combinations less to be dreaded [in a large republic]. The smaller the society, the fewer probably will be the distinct parties and interests [groups with a common aim] composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller…the compass [area] within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere [area], and you take in a greater variety of parties and interest; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other….

Hence, it clearly appears that the same advantage which a republic has over a [direct] democracy in controlling the effects of faction is enjoyed by a large over a small republic—is enjoyed by the Union over the States composing it….Here again the extent [large territory] of the Union gives it the most palpable advantage [in limiting the power of majorities to oppress unpopular persons]….

In the extent and proper structure of the Union [a large federal republic]…we behold a republican remedy for the diseases most incident to republican government….

Answer the questions below about The Federalist *10. Prepare yourself to explain and justify your answers with ideas and evidence drawn from the preceding primary source.* The Federalist *10.*

1. **What are the differences between a republic and a pure or direct democracy?**
2. **What are the dangers of a pure or direct democracy?**
3. **How does a republic overcome weaknesses associated with pure or direct democracy?**
4. **Does Madison's concept of republican government include both majority rule and minority rights?**
5. **Is Madison's concept of republican government compatible with today's concept of representative democracy?**

The Federalist No. 51 (Madison)

February 6, 1788

To the People of the State of New York:

…It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority—that is, of the society itself; the other, by [including] in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority [monarchy or dictatorship]. This, at best, is but a precarious security; because a power independent of the soci-

Module 2B Day 1

ety may as well espouse the unjust views of the major as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights…consists…in the multiplicity of interests…. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful…. In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself….

Answer the questions below about The Federalist *51. Use ideas and evidence from the preceding document to explain and justify your answers.*

1. **Madison says: "It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part." (a) What does this statement have to do with majority rule and minority rights in a free government? (b) Do you agree with Madison's statement? Why?**
2. **Does Madison believe that majority rule could destroy minority rights? Why?**
3. **What are Madison's ideas about how to guard against the destruction of minority rights?**
4. **Does Madison value both majority rule and minority rights?**

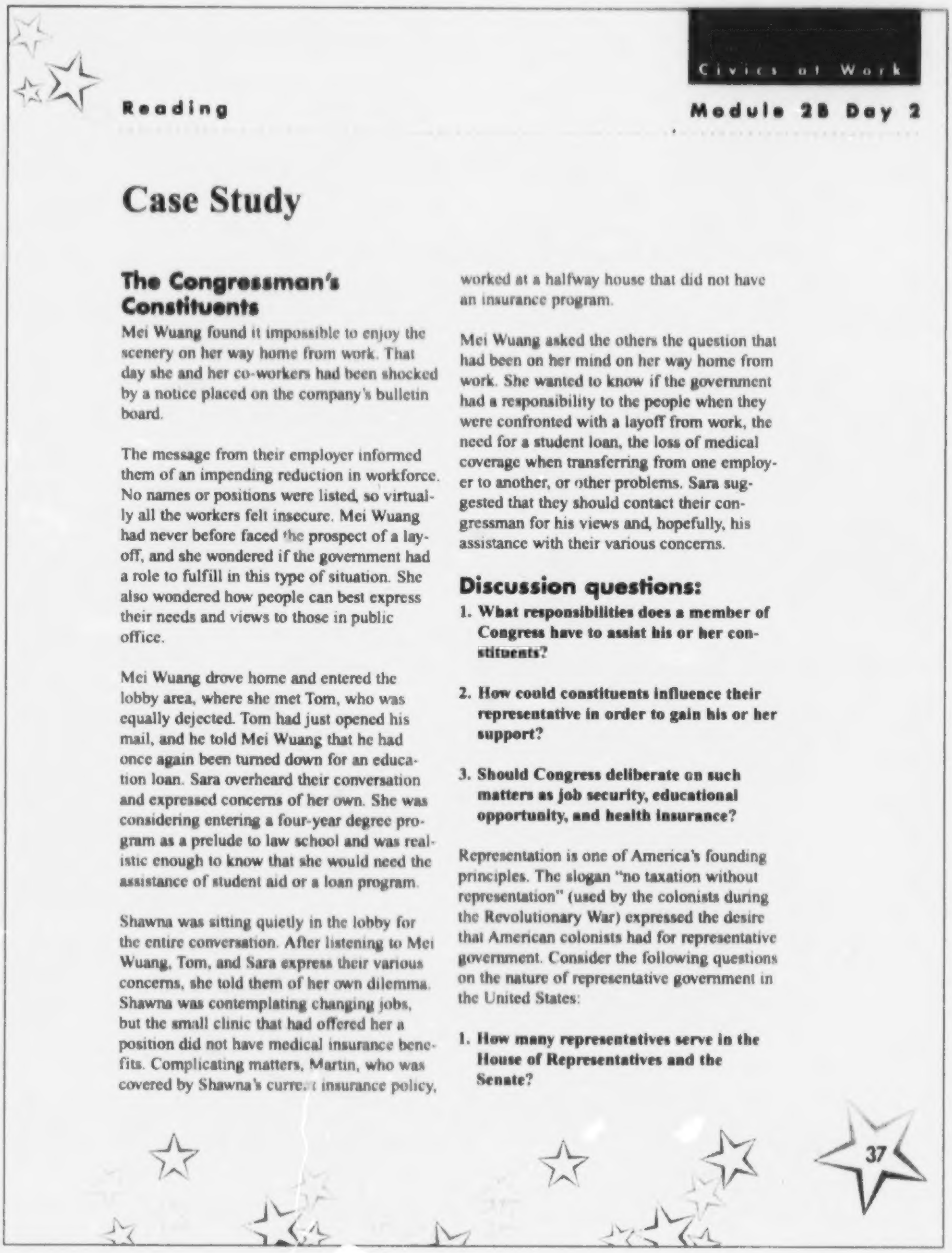
GETTING INVOLVED/ GETTING IT TOGETHER

Begin by having the students read the printed case study that is located in the student portfolio. The case study poses important issues that arise in the lives of three of the characters from the video program seen on previous days. One resident of the apartment building is upset by a "reduction in workforce" notice posted at her place of employment. Another resident is dejected after failing to secure a student loan, and the third resident faces the prospect of losing her health insurance if she accepts a new job.

After the students have read the case study, consider the discussion questions that accompany the narrative. During this discussion, stress the fact that, when presented with issues such as those highlighted in the case study, a member of Congress will generally listen without initially committing to a specific position. Typically, congressional representatives will suggest resources to assist the constituent and then form a more definitive position as bills related to the issue are presented in Congress. Should the issue have an impact upon many people in his or her district, a member of Congress will commonly introduce or cosponsor legislation to alleviate the problem.

After considering the three discussion questions related to the case study, the class can discuss the six follow-up questions that conclude the student reading.

For added challenge, ask students to visit the Senate and House Internet sites, accessed through the Civics at Work Internet Resources. Students may be asked to identify and obtain biographical information on their representatives, and/or e-mail an issue, comment or inquiry to their representative. Students may then report on their findings and their interaction during a subsequent class.



Case Study

The Congressman's Constituents

Mei Wuang found it impossible to enjoy the scenery on her way home from work. That day she and her co-workers had been shocked by a notice placed on the company's bulletin board.

The message from their employer informed them of an impending reduction in workforce. No names or positions were listed, so virtually all the workers felt insecure. Mei Wuang had never before faced the prospect of a layoff, and she wondered if the government had a role to fulfill in this type of situation. She also wondered how people can best express their needs and views to those in public office.

Mei Wuang drove home and entered the lobby area, where she met Tom, who was equally dejected. Tom had just opened his mail, and he told Mei Wuang that he had once again been turned down for an education loan. Sara overheard their conversation and expressed concerns of her own. She was considering entering a four-year degree program as a prelude to law school and was realistic enough to know that she would need the assistance of student aid or a loan program.

Shawna was sitting quietly in the lobby for the entire conversation. After listening to Mei Wuang, Tom, and Sara express their various concerns, she told them of her own dilemma. Shawna was contemplating changing jobs, but the small clinic that had offered her a position did not have medical insurance benefits. Complicating matters, Martin, who was covered by Shawna's current insurance policy, worked at a halfway house that did not have an insurance program.

Mei Wuang asked the others the question that had been on her mind on her way home from work. She wanted to know if the government had a responsibility to the people when they were confronted with a layoff from work, the need for a student loan, the loss of medical coverage when transferring from one employer to another, or other problems. Sara suggested that they should contact their congressman for his views and, hopefully, his assistance with their various concerns.

Discussion questions:

1. **What responsibilities does a member of Congress have to assist his or her constituents?**

2. **How could constituents influence their representative in order to gain his or her support?**

3. **Should Congress deliberate on such matters as job security, educational opportunity, and health insurance?**

Representation is one of America's founding principles. The slogan "no taxation without representation" (used by the colonists during the Revolutionary War) expressed the desire that American colonists had for representative government. Consider the following questions on the nature of representative government in the United States:

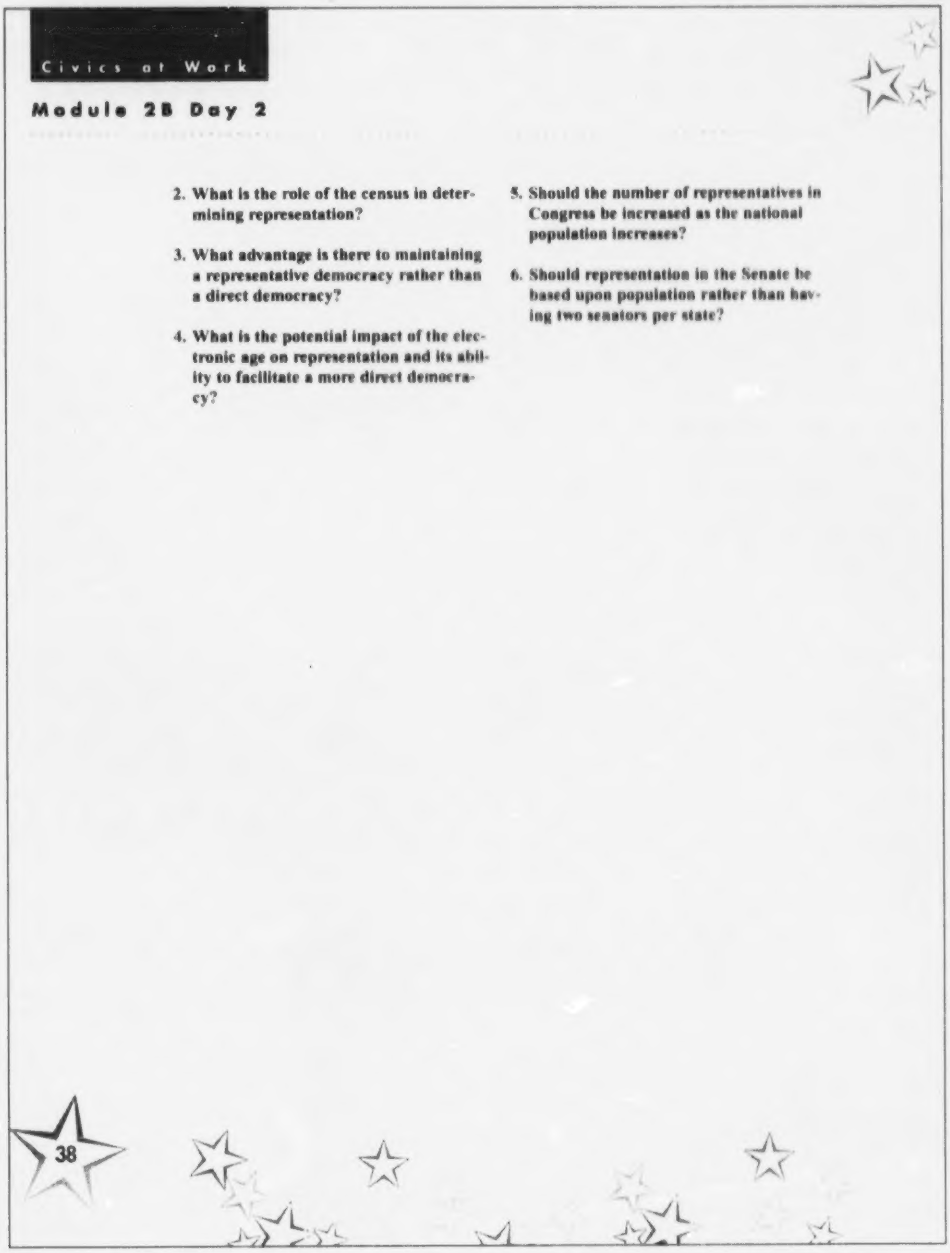
1. **How many representatives serve in the House of Representatives and the Senate?**

1. *A member of Congress should help his or her constituents with any matters that are influenced by public policy decisions. This guideline applies to constituents who may not have voted for the representative, just as it does to those who did vote for the legislator.*

2. *In addition to simply bringing these issues to the attention of their representative, constituents should thoroughly research the issue, to present the legislator with data that illustrate the extent of the problem. Petitions that demonstrate widespread support for a particular course of action can also have an influence.*

3. *The Preamble to the Constitution challenges the government to "promote the general welfare," which one could assert includes employment and education concerns.*

1. *435 in the House and 100 in the Senate.*



Civics at Work

Module 2B Day 2

2. **What is the role of the census in determining representation?**
3. **What advantage is there to maintaining a representative democracy rather than a direct democracy?**
4. **What is the potential impact of the electronic age on representation and its ability to facilitate a more direct democracy?**
5. **Should the number of representatives in Congress be increased as the national population increases?**
6. **Should representation in the Senate be based upon population rather than having two senators per state?**

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2. *House districts are reapportioned every ten years to reflect population changes. The census does not affect the Senate, because each state has two senators, irrespective of its population.*
3. *Legislative sessions allow issues to be clarified through deliberation and debate. The common good is often better served by compromise.*
4. *The possibility of holding a national referendum on an issue raises the concern that the will of a temporary majority will infringe upon the rights of the minority.*
5. *An increase in the number of representatives would reduce the number of constituents that any given House member would serve. This could potentially allow a representative to be more familiar with the residents of his or her district.*
6. *The Senate is not a purely representative body, but the framers of the Constitution made this concession to the role of the states in our federal system.*

DAY 3

CIVICS LIVE

Open by asking the students to refer to a copy of the U.S. Constitution. (Access to a copy is available through the AIT/Civics at Work Home Page on the Internet.) Have a student read the First Amendment aloud. Ask the class if anyone can explain the meaning of the phrase "to petition the Government for a redress of grievances." Emphasize that in this context the word *petition* means more than simply a list of names. A citizen can petition the government by either speaking to or writing to a public official. In

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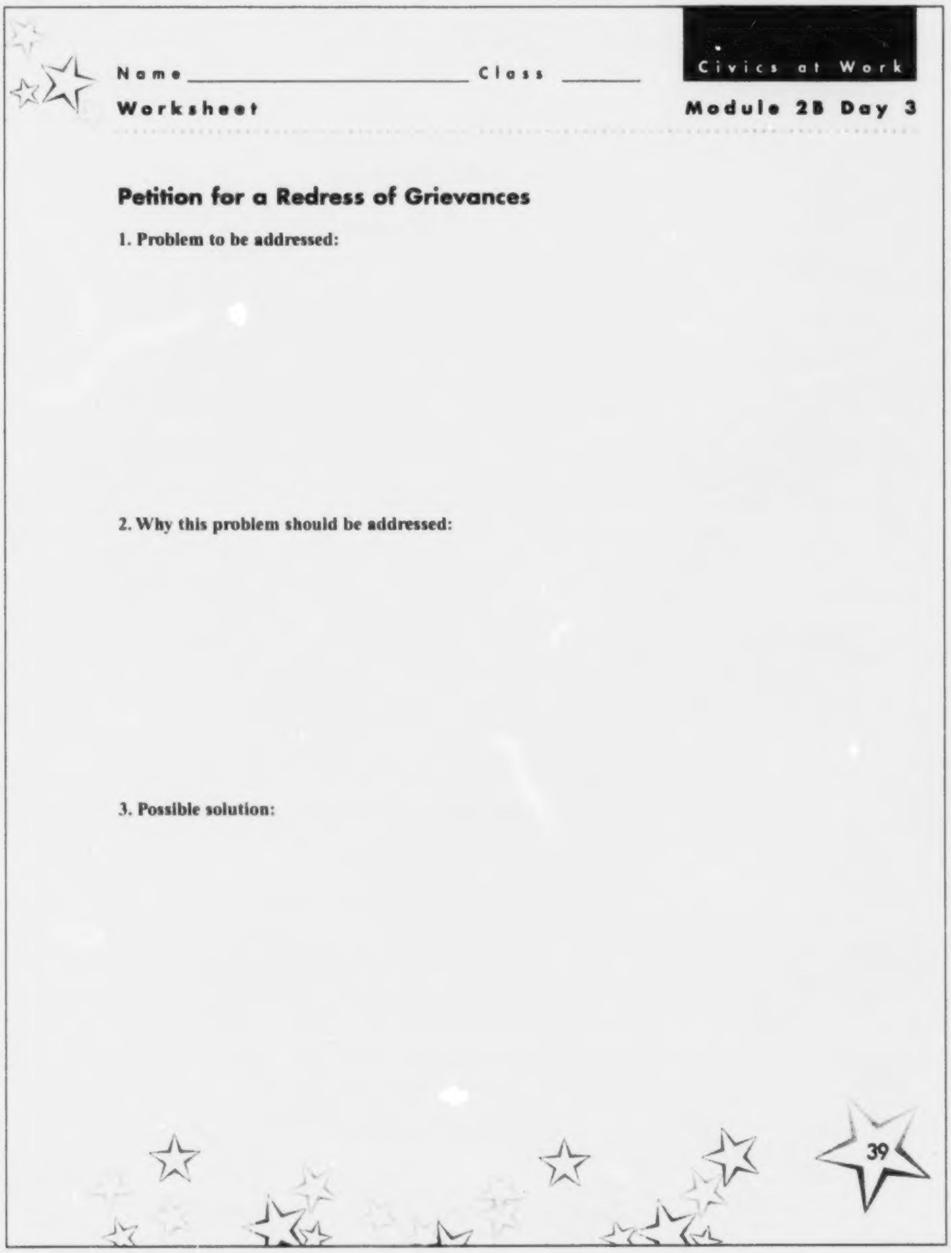
contemporary society, any one of the various modes of electronic communication can also be used to contact the government.

Following this introduction, ask the class to describe the method by which they elect members of their own student government. Inquire about the types of problems that this student council can address.

Refer to the worksheet in the student portfolio entitled "Petition for a Redress of Grievances." Divide the class into small groups and instruct these groups to work in collaboration to (1) identify a problem that could be addressed by their student government, (2) state why this problem needs to be addressed, and (3) suggest a possible solution to the problem.



Name ______________________ Class ______

Civics at Work

Worksheet

Module 2B Day 3

Petition for a Redress of Grievances

1. Problem to be addressed:

2. Why this problem should be addressed:

3. Possible solution:

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TECHNOLOGY-BASED RESEARCH ACTIVITY

Arrange computer-lab time for the purpose of using Volume I, Segments 9 and 10 from the CD-ROM entitled *U.S. Government: The First 200 Years*. These segments enable students to explore the history of U.S. government from 1828 to 1865. Ask individuals or small groups of students to select Feature Presentations 9 and 10 from the "Contents" pull-down menu. (These are the final segments of Volume 1. The next unit will utilize Volume 2 of *U.S. Government: The First 200 Years*.)

As students view the material, have them select one or more of the following activities:

1. **Note and develop a report on CD-ROM content that provides a historical foundation for concepts illustrated in the printed case study for this unit. Students may wish to use a computer-based device, such as a "notepad" feature, for developing their report.**

2. **Have the students locate one or more pictures or graphics from the presentations that represent the concepts emphasized in this unit. These images can be printed and used to create a collage as a unit project. A brief narrative can be required to describe the relevance of the pictures. (Note: A color printer is preferred for this activity. Pictures can be printed after clicking on the large magnifying-glass button found in the upper right-hand corner of the viewing area.)**

3. **Develop a one-page report to capsulize the historical development of U.S. government as presented in the segments studied.**

4. **Select a concept or person from the segments and develop a brief research report using the CD-ROM-based resources (e.g., encyclopedia, search function) and outside resources (e.g., library, Internet).**

5. **Ask students to select and take the CD-ROM quiz (or one or more of its segments), accessed by selecting the "Contents" pull-down menu, then selecting "quizzes." The first selection on the menu is the full quiz (108 questions), covering the entire CD-ROM volume. Those that follow (i.e., segments 2–9) represent smaller, individual-segment quizzes. All quizzes can be "customized" with respect to the number of questions and time allowed. (See the User's Guide included in the CD-ROM jewel box for details.)**

Note: For tips on the use of the CD-ROM with the entire class, see page 7 of the CD-ROM User's Guide, which is located in the cover of the CD-ROM case.

CIVICS AT WORK

Begin by having the students refer to the copy of the Declaration of Independence (available through the AIT/Civics at Work Home Page on the Internet). Have the class read the opening words of the document's second paragraph: "We hold these Truths to be self-evident, that all Men are created equal." Tell the class that, despite this famous proclamation by Thomas Jefferson in 1776, it would be more than nine decades before the concept of equality was formally added to the U.S. Constitution. Refer to the Fourteenth Amendment to the Constitution. This amendment, which was ratified in 1868, declares that individual states cannot "deny to any within its jurisdiction the equal protection of the laws." If possible, locate a copy of your state constitution and have the class examine it to see if it contains a provision that mirrors either the Declaration of Independence or the Fourteenth Amendment. The constitution for the state of Indiana, for example, opens with the words: "We declare, that all people are created equal."

After this introduction, discuss why it is important for individual states, which employ thousands of people, to follow fair hiring practices. Then divide the class into small groups and have each group write a hypothetical employment policy for their state which embodies the principle of the equal protection of the laws.

Have the various groups read and compare their proposals. After sharing proposals, read students the following example of an employment policy:

> XYZ will, in accordance with laws pertaining to equal employment opportunity, recruit, employ, promote and reward employees on the basis of their capabilities and their qualifications for the job without discrimination because of race, color, religion, gender, age, handicap, or national origin.

Conclude the lesson by discussing the meaning of equality as described in the Declaration of Independence. Ask students to find and describe this document's reference to equality.

> *Equality in this document means equality of all persons in their possession of certain unalienable rights, which involves equality before the law. Equality before the law was also set forth in the Fifth Amendment, ratified in 1791.*

CIVICS FOR REAL

It will be necessary to schedule a meeting with a legislator well in advance of Day 8 of this unit. The legislator can be a member of the U.S. Congress, a representative to the state legislature, or a member of the local legislature, such as the city or county council.

On Day 7 have the students, either individually or in small groups, prepare questions for the guest speaker. It is important that the students restrict their questions according to local, state, or national issues, depending upon the level of government that the prospective speaker represents. Advise the students that, in addition to asking about specific issues, they should ask about legislative procedures, such as how a bill actually becomes a law, as well as the various ways in which the representative serves the needs of his or her constituents.

(As an alternative to an in-class visit, students may be invited to take an electronic field trip, via the Civics at Work Internet Resources, to the representative, first obtaining information about his or her location, biography, and activities in Congress. Students may then access representatives with their queries.)

On Day 8 hold the meeting with the legislator, and have the students ask the questions that have been prepared in advance, along with other questions that might result from the discussion.

ADDITIONAL RESOURCES

Barber, James David. *The Book of Democracy*. Englewood Cliffs, N.J.: Prentice Hall, 1995.

Ritchie, Donald A. *The U.S. Constitution*. New York: Chelsea House, 1989.

Notes:

MODULE 3:

The Constitution and principles of American democracy

Federalism and the division of powers

"The judicial power ought to be distinct from both the legislative and executive [branches], and independent upon both, so that it may be a check upon both."

—John Adams, 1776

"The power vested in the American courts of justice of pronouncing a statute to be unconstitutional forms one of the most powerful barriers that have ever been devised against the tyranny of political assemblies."

—Alexis de Tocqueville, 1835

"The proposed Constitution, so far from implying an abolition of the State Governments, makes them constituent parts of the national sovereignty...and leaves in their possession certain exclusive and very important portions of sovereign power. This fully corresponds, in every rational import of the terms with the idea of a Federal Government.'

—Alexander Hamilton, 1787

CONCEPT KEYWORDS

- legislative branch
- executive branch
- judicial branch
- checks and balances
- federalism
- state governments

Advance Planning: Please see the activity planned for Day 6 of this unit.

GEARING UP

Begin by referring to the chart entitled "Separation of Powers and Checks and Balances," which is located in the student resource portfolio. Examine the chart with the class and emphasize that the principle of separation of powers means that a specific function has been delegated to each of the three branches that compose our federal government. In the most basic analysis, the legislative branch makes laws, the executive branch sees that laws are enforced, and the judicial branch interprets laws when there is a conflict. The arrows on the chart are labeled and represent the various checks that any one branch can utilize to limit the power of the other two branches.

After the class has examined the chart, refer to the reading entitled "*Youngstown Sheet and Tube Company v. Sawyer* (1952)," which is also in the portfolio. Have the students read only the background information for this case. Instruct students NOT to read the decision on the case until later. Then divide the class into small groups to discuss and decide the case. After each group has written a "formal opinion," reconvene the class to hear and discuss the opinions rendered by the various groups. Then have the students read the decision for the case, which is also included in the portfolio.

After discussing the actual Supreme Court decision, conclude the lesson by referring to the political cartoon entitled "The Balance of Power," in the student resource portfolio. Tell the class that the cartoon, which features President Truman, was published in 1952 during the conflict over nationalization of the steel mills. Ask the class what principles are represented by the book labeled "U.S. Constitution" in the cartoon.

James Madison and the Federalist Papers, p. 80
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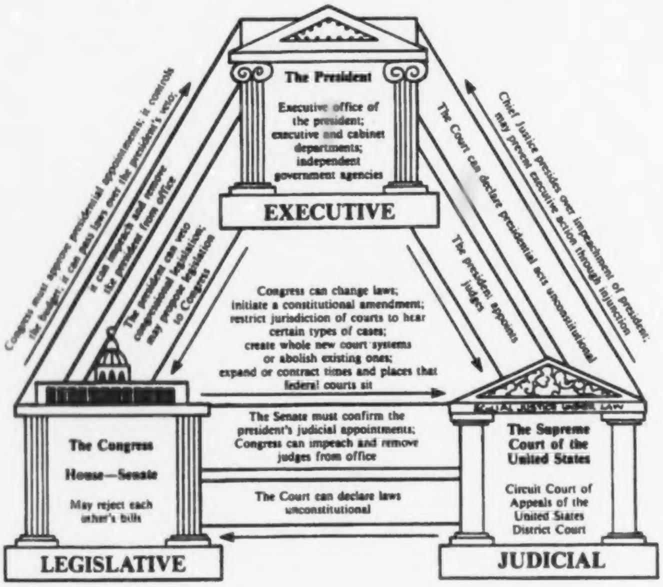
Civics at Work
Module 3A Day 1

Separation of Powers and Checks and Balances


The President
Executive office of the president; executive and cabinet departments; independent government agencies
EXECUTIVE
Congress must approve presidential appointments; it controls the budget; it can pass laws over the president's veto;
it can impeach and remove the president from office
The president can veto congressional legislation; may propose legislation to Congress
The Court can declare presidential acts unconstitutional
Chief Justice presides over impeachment of president; may prevent executive action through injunction
The president appoints judges
Congress can change laws; initiate a constitutional amendment; restrict jurisdiction of courts to hear certain types of cases; create whole new court systems or abolish existing ones; expand or contract times and places that federal courts sit
The Senate must confirm the president's judicial appointments; Congress can impeach and remove judges from office
The Court can declare laws unconstitutional
The Congress
House—Senate
May reject each other's bills
LEGISLATIVE
EQUAL JUSTICE UNDER LAW
The Supreme Court of the United States
Circuit Court of Appeals of the United States District Court
JUDICIAL

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Youngstown Sheet and Tube Company v. Sawyer (1952)

Background and facts:

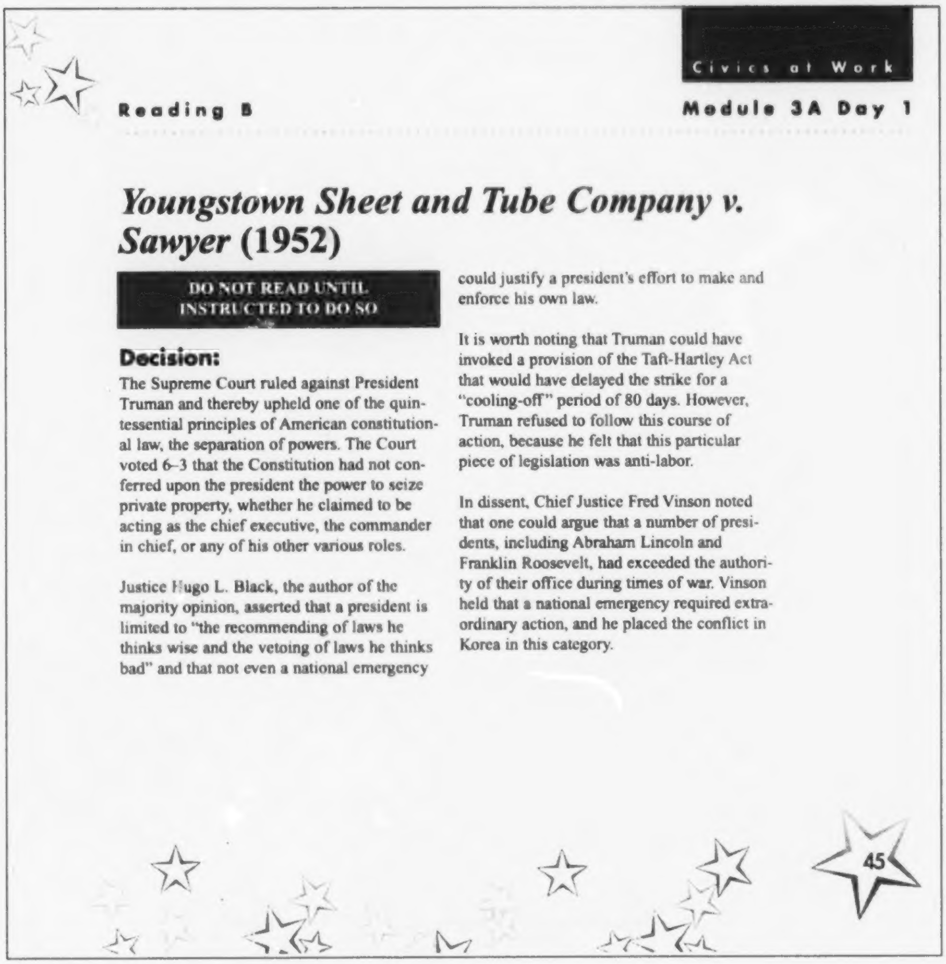
In 1952, with American troops actively engaged in the Korean War, President Harry S. Truman faced a potential crisis. The nation's steelworkers were threatening to go on strike, and Truman feared that the result would be shortages of vital weapons and ammunition. The president did not want the lives of American soldiers placed in even greater jeopardy by a labor dispute.

To ensure the continued production of steel, President Truman instructed Secretary of Commerce Charles Sawyer to take temporary control of the steel mills and keep them in operation.

Truman argued that his order was constitutional for two reasons. First, as the nation's chief executive, it was his duty to take affirmative steps to avert what threatened to become a national emergency (see Article II, Section 1 of the Constitution). Second, as commander in chief, the president was required to conduct the nation's war effort in a manner that would provide the greatest possible protection for American troops (see Article II, Section 2 of the Constitution).

On the other hand, the owners of the steel mills contested Truman's executive order in court by claiming that the president had, in fact, violated the Constitution by exceeding his actual authority. Truman was accused of attempting to make a law, because there was no legislation or constitutional provision that authorized a president to take control of private property, even during a national emergency. Only Congress, under the principle of the separation of powers, has the authority to make a law (see Article I, Section 1 of the Constitution).

The Supreme Court, representing the third branch of the federal government, would decide if President Truman's executive order was constitutional or unconstitutional.



Youngstown Sheet and Tube Company v. Sawyer (1952)

DO NOT READ UNTIL INSTRUCTED TO DO SO

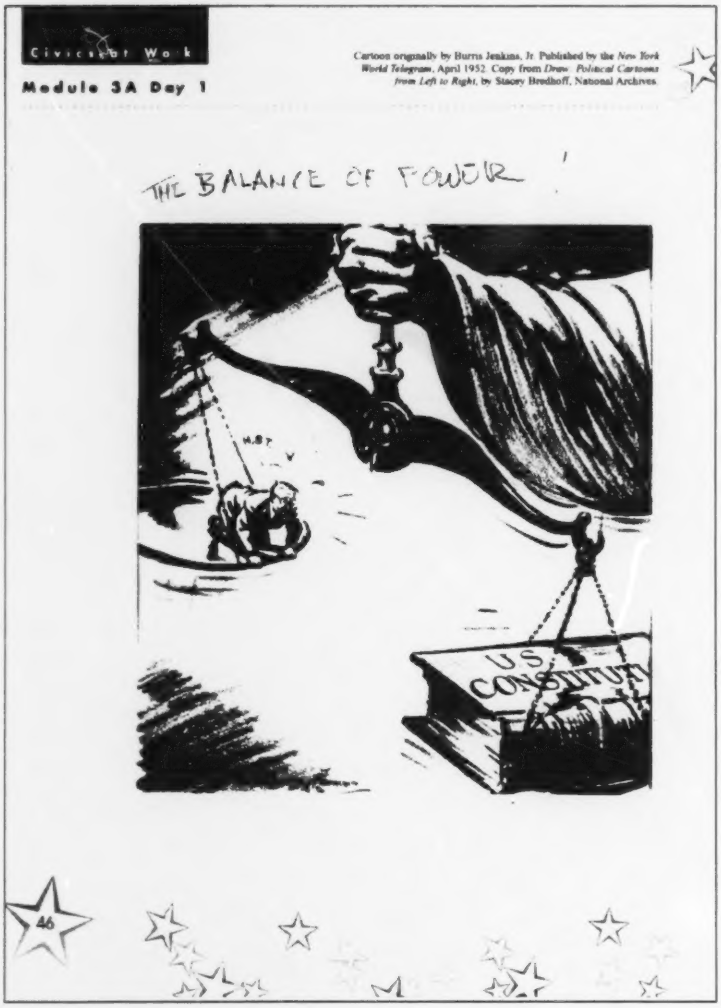
Decision:

The Supreme Court ruled against President Truman and thereby upheld one of the quintessential principles of American constitutional law, the separation of powers. The Court voted 6–3 that the Constitution had not conferred upon the president the power to seize private property, whether he claimed to be acting as the chief executive, the commander in chief, or any of his other various roles.

Justice Hugo L. Black, the author of the majority opinion, asserted that a president is limited to "the recommending of laws he thinks wise and the vetoing of laws he thinks bad" and that not even a national emergency could justify a president's effort to make and enforce his own law.

It is worth noting that Truman could have invoked a provision of the Taft-Hartley Act that would have delayed the strike for a "cooling-off" period of 80 days. However, Truman refused to follow this course of action, because he felt that this particular piece of legislation was anti-labor.

In dissent, Chief Justice Fred Vinson noted that one could argue that a number of presidents, including Abraham Lincoln and Franklin Roosevelt, had exceeded the authority of their office during times of war. Vinson held that a national emergency required extraordinary action, and he placed the conflict in Korea in this category.



Civics at Work

Module 3A Day 1

Cartoon originally by Burris Jenkins, Jr. Published by the *New York World Telegram*, April 1952. Copy from *Draw: Political Cartoons from Left to Right*, by Stacey Bredhoff, National Archives.

THE BALANCE OF POWER

GETTING INVOLVED/ GETTING IT TOGETHER

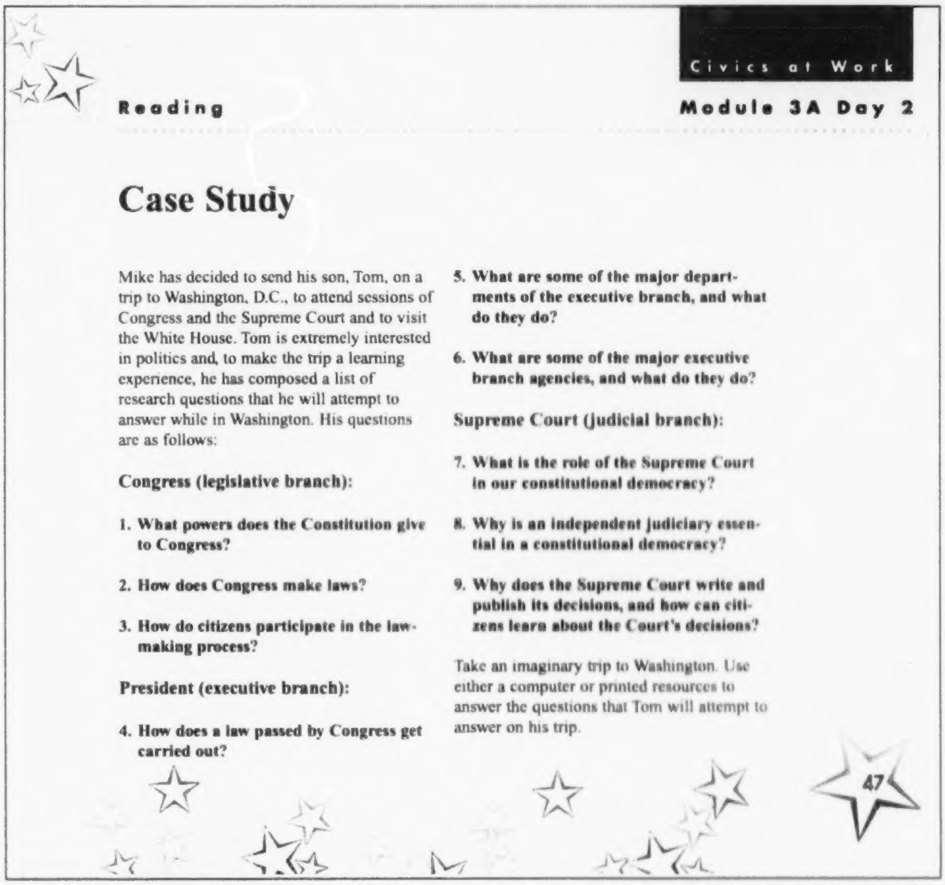
DAY 2

Begin by having the students read the printed case study that is located in the student portfolio. This case study asks the students to imagine a trip to Washington, D.C., and to answer questions about the three branches of the federal government. Have the students use either the Civics at Work Internet Resources, the CD-ROM entitled *U.S. Government: The First 200 Years*, or library resources to answer the questions. Students can work individually or in small groups to complete the assignment. Discuss the case-study questions at the end of class.

If there is sufficient time, discuss these additional questions with the class:

- **What are the advantages and disadvantages of maintaining a government founded upon the principle of the separation of powers?**
- **In what ways is your daily life affected by the work of government employees?**

Note: Have the students read the article entitled "Opening Doors for the Disabled," which is in the portfolio, for the next class period.



Civics at Work

Reading

Module 3A Day 2

Case Study

Mike has decided to send his son, Tom, on a trip to Washington, D.C., to attend sessions of Congress and the Supreme Court and to visit the White House. Tom is extremely interested in politics and, to make the trip a learning experience, he has composed a list of research questions that he will attempt to answer while in Washington. His questions are as follows:

Congress (legislative branch):

1. **What powers does the Constitution give to Congress?**
2. **How does Congress make laws?**
3. **How do citizens participate in the lawmaking process?**

President (executive branch):

4. **How does a law passed by Congress get carried out?**
5. **What are some of the major departments of the executive branch, and what do they do?**
6. **What are some of the major executive branch agencies, and what do they do?**

Supreme Court (judicial branch):

7. **What is the role of the Supreme Court in our constitutional democracy?**
8. **Why is an independent judiciary essential in a constitutional democracy?**
9. **Why does the Supreme Court write and publish its decisions, and how can citizens learn about the Court's decisions?**

Take an imaginary trip to Washington. Use either a computer or printed resources to answer the questions that Tom will attempt to answer on his trip.

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1. *The primary function of Congress is to make laws (see Article I, Section 1 of the Constitution). Article I, Section 8 of the Constitution lists specific powers that have been granted to Congress (e.g., the power to coin money and the power to declare war).*
2. *Bills are introduced by individual members of Congress in either the House of Representatives or the Senate. If the bill is passed by the appropriate committee, it can be debated and then voted upon. To be referred to the president, a bill must pass both houses of Congress in exactly the same form. Any differences in similar bills are resolved by a conference committee that includes members of both the House and Senate. To be enacted into law, a bill requires either the signature of the president or, should the president veto the bill, an override vote by Congress (a two-thirds majority in both houses).*
3. *In addition to electing members of Congress, citizens can contact their representatives to voice their opinions on issues being considered in the legislature. Also, when Congress investigates various matters related to a legislative proposal, individual citizens can be called upon to testify and to offer expert advice.*
4. *It is the president's responsibility to see that the laws are executed (see Article II, Section 3 of the Constitution). In addition, individual states are required to uphold laws passed by Congress due to the supremacy clause (see Article VI of the Constitution).*
5. *The word* department *is reserved for units of the executive branch that function on the cabinet level. These departments allow the executive branch to fulfill its administrative duties by guaranteeing that the laws are executed. Major departments include the departments of state, defense, justice, agriculture, commerce, and the treasury.*
6. *Independent agencies are created by Congress to administer programs that are not the responsibility of any of the cabinet-level departments. The Civil Rights Commission, the Farm Credit Administration, the Federal Election Commission, and the Small Business Administration are some of the important agencies.*
7. *The Supreme Court uses the power of judicial review to determine the constitutionality of local, state, and federal laws and actions.*
8. *The "constituency" served by the judiciary is the U.S. Constitution. To make fair and impartial rulings, the courts should be free of political pressures and even of public opinion.*
9. *Supreme Court opinions not only explain the reasoning employed by the justices to reach their opinions but are used in subsequent years to help resolve similar issues. Court decisions are reported by major newspapers and periodicals, and copies of actual opinions are available in most libraries. Decisions may also be obtained on the Internet. (See Civics at Work Internet Resources—U.S. Judicial Branch Resources.)*

Civics at Work

Module 3A Day 2

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Opening Doors for the Disabled

But the handicapped-rights law may harm those it aims to help

By NANCY TRAVER

Norma Westfield eases her wheelchair out of the elevator of her apartment, through the front door and to the Handi-Van waiting in front of her building. It is a vehicle with hydraulic lifts that the city of Fond du Lac offers to disabled residents. Westfield, 43, who has used a wheelchair since she was stricken with polio as a child, relies on the Handi-Van to reach her doctor's office and a local hospital where she does volunteer work. She is not strong enough to push herself to the bus stop a block away, and during the winter Westfield's wheelchair could easily tip over on Fond du Lac's icy streets. She can rely on the van until 10 p.m., while city buses run only until 6:45 p.m. And the 60¢ fare is no higher than riding the bus. Said Westfield: "It's a godsend."

Like disabled people in hundreds of small towns across the nation, Westfield fears that the Americans with Disabilities Act, passed overwhelmingly by the House last week and expected to be signed into law by the President in July, will unintentionally harm those it is designed to help. Widely viewed as the most sweeping civil rights measure in more than 25 years, the act offers the nation's 43 million disabled new employment opportunities and greater access to public accommodations, transit systems and communications networks. Until the law goes into effect, handicapped people are protected by only a patchwork of state and local laws.

Some advocates for the disabled argue that those local ordinances were better tailored to meet the needs of the handicapped than is the new law. One provision of the disabilities act, for example, will require all new buses to be equipped with hydraulic lifts that will cost state and local governments up to $30 million annually for the next several years. Meeting that requirement will confront hard-pressed small towns with a difficult financial choice.

In Fond du Lac, a town of 40,000 curled along the shores of Lake Winnebago, lifts will boost the price tag on each new bus $15,000. Operating and maintenance expenses will tack on an additional $5,000 each year. City-council members worry about finding enough money to both continue the Handi-Van service and install lifts on the city's fleet of twelve buses, half of which are due to be replaced this year.

Disabled-rights groups lobbied hard to defeat an amendment to the bill that would have exempted transit systems in cities of fewer than 200,000. They argued that disabled people should not be segregated in special buses or vans. But Stan Kocos, chairman of Disabled Advocates of Fond du Lac, admits that his group was torn between support for the new law and the Handi-Van. Says Kocos: "We want lifts on buses, and we want the alternative service. But we'd hate to see a taxpayer backlash."

Kocos said many local store owners are confused and fearful about the improvements they will have to make, which require businesses to be made accessible to the disabled by the end of next year. Business groups have estimated that building a concrete ramp can cost between $1,000 and $10,000, while widening an exterior door runs $3,000.

Martin Ryan, a manufacturer of artificial limbs, has talked to business owners about the bill at local Chamber of Commerce meetings. The cost of improvements can be kept down, he maintains, by building wooden ramps instead of concrete ones or simply attaching a buzzer on a front door. "Many business owners say, 'I don't have many disabled customers, so why should I build a ramp or widen my doorways or install a pull on the door of my store?' " says Ryan. "I just try to tell them it's a cost of doing business, and it's worthwhile."

Though finding accessible housing remains a problem for Fond du Lac's disabled, the city has made progress in opening some public accommodations. Movie theaters have removed rows of seats to make room for people in wheelchairs. Several service stations offer to pump gas at no extra charge for disabled drivers, and grocery stores provide electric carts for shoppers who cannot navigate the long aisles. Parking spaces marked with the blue-and-white symbol of a wheelchair are vigilantly guarded; anyone who illegally slips into one is subject to a $30 fine. Rather than rely on police to enforce the law, many disabled residents carry ticket forms that can be slapped onto the window of an offending car. Their eagerness to be tough on parking violators is a sign that the disabled do not intend to allow the unhandicapped to walk all over their rights. ■

Major provisions of the Americans with Disabilities Act would:

- **Prohibit firms with more than 25 employees from discriminating in hiring or promotion against workers with physical or mental impairments.**
- **Outlaw tests that tend to screen out handicapped job applicants. Employers would, however, be allowed to inquire about a worker's ability to perform a job.**
- **Require companies to make "reasonable accommodations" for disabled employees, such as providing readers for blind workers and arranging part-time or modified work schedules.**
- **Force restaurants, stores and other "public accommodations" to widen doorways and provide ramps for people in wheelchairs. If such modifications posed an "undue burden," operators could use alternatives, such as meeting handicapped customers at the door.**
- **Require that inner city buses be made accessible to the handicapped.**

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From the *Palm Beach Post*
July 23, 1995, p. 6a

DESPITE LAW, JOBS FOR DISABLED RARE

by Andrew Mollison,
Palm Beach Post Washington Bureau

In the winter, Jill Hindman skis. In the summer, she sails.

In between, for the past two and a half years, the college-educated Tennessean has been looking in Chattanooga for a job in marketing or communications. That's short-term. "One of my bouts of unemployment lasted more than five years," said Hindman, who was born with spina bifida.

"That means I use a wheelchair," she said on the phone. "I'm healthy. I'm energetic. I'm extremely mobile. But when they [potential employers] see a woman in a wheelchair, their perception is that I must tire easily."

Hindman had just returned from a job-hunting trip to Atlanta.

"It seems to be a boom town. I had good interviews, and I've got my fingers crossed," she said.

But if her latest interviews don't pan out, she won't be shocked.

She knows that five years after the passage of the anti-bias law called the Americans with Disabilities Act jobs for people with disabilities remain rare.

On July 26, 1990, when President Bush signed the ADA into law, about 3 out of every 10 working-age persons with disabilities had jobs or businesses.

That 30 percent ratio—far below the 80 percent employment rate for people without disabilities—still holds, Census Bureau surveys show.

But optimists say the ADA has paved the way for workplace breakthroughs by toppling barriers in public buildings and businesses and in public transit.

"It used to be when my van broke down, I was up the creek," said Virginia Roberts of Austin, Texas. "I couldn't just catch a ride in a neighbor's car, because my electric wheelchair wouldn't fit in the trunk, and I couldn't register for a home pickup with paratransit, because I drove to work."

"Now I just wheel over to a bus stop and catch a (lift-equipped) bus. No sweat. In one year it saved me, I would say, almost three weeks of leave," said Roberts, executive director of the Texas Governor's Committee on Employment of People with Disabilities.

But in Tallahassee, her Florida counterpart, Carol Ann Breyer, said that if society really wanted more disabled people to work, it would change laws that make many of them risk losing health coverage and steady subsistence-level benefits if they get low-wage jobs that could disappear at any moment.

"Not just people who are able-bodied—but a lot of people with disabilities—still don't really believe people with disabilities belong in the workforce," Breyer complained.

"So?" snorted Leye Chrzanowski of Chantilly, Va. She is editor-in-chief of *One Step Ahead*, a national newsletter by and for people with disabilities.

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DAY 3

CIVICS LIVE

Begin by informing the students that the framers of the Constitution created a federal system of government. Their intention was to balance the authority delegated to the national government, including the power to declare war or to coin money, with powers that were reserved to the states, such as the ability to establish public schools. James Madison, in *The Federalist*, No. 45, argued that the powers delegated to the federal government should be "few and defined," while the powers that remain in state governments should be "numerous and indefinite."

Prior to this class period the students should have read the article entitled "Opening Doors for the Disabled," which is in the student portfolio. This article was published in 1990, just a few weeks before the enactment of the Americans with Disabilities Act. The article notes provisions in this federal law that would have a direct effect upon state and local governments, as well as private businesses. For example, ramps for wheelchairs, wider entrances to buildings, and buses accessible to the disabled were to be required.

If at all possible, invite to class the local government official who oversees the implementation of the Americans with Disabilities Act in the community as a guest speaker.

Ask this speaker to describe how and to what extent the federal law has been implemented locally. Allow the class time to ask questions about this issue. During the discussion, emphasize that some observers contend that the national government now exercises more authority over the states than the framers intended when they wrote the Constitution over two hundred years ago. Ask the class if this development has helped or hindered the common good.

If it is not possible to schedule a guest speaker on this topic, an article entitled "Despite Law, Jobs for Disabled Rare" is included in the portfolio and can be used to measure the effectiveness of the Americans with Disabilities Act. Have the students read the article, which was published in 1995, five years after the enactment of the law. Divide the class into small groups and have each group brainstorm to compile a list of ways to encourage employers to hire workers with disabilities.

Before the end of class, have the groups report on their ideas and compare the various suggestions.

Module 3A Day 3

"I keep hearing about how employers have to be 'sensitized' to people with disabilities before they'll hire them. That is a bunch of crap," said Chrzanowski, who works mostly at home when the symptoms of her multiple sclerosis increase and mostly in the offices of EKA Communications Inc., when the symptoms fade.

"An employer should be looking for qualified applicants, whether they're black, white, disabled or whatever," she said. "People with disabilities shouldn't go in and beg for a job, but we should be assertive and go after the ones for which we feel qualified."

Almost all employers say they agree, according to surveys by Louis Harris Associates Inc. More than three-fourths of the executives polled this spring said their firms have made changes to help disabled employees do their jobs, agree that the adjustments were affordable and worth it, and support keeping or strengthening the ADA.

JOBS AND DISABILITIES

In March	Percentage of People with Disabilities Employed	Percentage of People without Disabilities Employed
1985	27	72
1986	27	72.5
1987	28	73
1988	31	74
1989	32	75
1990*	31	76
1991	29	74
1992**	29	74
1993	29	74
1994***	27	75

* Americans with Disabilities Act signed July 26, 1990.

** ADA applies to employers with 25 or more workers.

*** ADA applies to employers with 15 or more workers.

Source: Census Bureau.

In fact, someone disabled on the job now has a 75 percent chance of getting back on the job, compared to 50 percent before the ADA, said Tony Coelho, chairman of the President's Committee on Employment of the Disabled and who has epilepsy.

But outside applicants might not have as much luck. Among executives of companies with 50 or more employees, the number who told Harris pollsters that their own firm had hired anybody with a disability within the previous three years remained essentially stagnant—at 62 percent in 1986 and 64 percent this year.

Such hiring has actually dropped among owners of smaller businesses, which provide most of the nation's new jobs, said Wendy Lechner of the National Federation of Independent Business.

"They have a very strong fear of liability" under the ADA, she said.

The ADA's ban on job discrimination, phased in from July 1992 through July 1994, now covers firms with more than 15 workers. At last count, the EEOC had received 45,000 complaints. Of the first 25,000 cases resolved, nearly half were dismissed on technicalities and one-third were found to show no reasonable cause.

"There are always some awful cases that you get with a new, untested law," said Cliff Crase, who edits *Paraplegia News* in

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Phoenix for the Paralyzed Veterans of America.

"My answer is that through the years this will be fine-tuned," Crase said. "It's like the consulting scams. During the first two years of the ADA, a lot of good people got taken for thousands of dollars by people who called themselves ADA consultants. But thank God, all that got weeded out."

ENFORCING THE LAW

Call these numbers for information on enforcement of the Americans with Disability Act.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. Enforces employment regulations. Call 800-669-3362 voice; 800-800-3302 TDD.

THE ARCHITECTURAL and Transportation Barriers Compliance Board. Sets minimum guidelines for accessible buildings, facilities, transit vehicles. Call 800-872-2253 voice or TDD.

DEPARTMENT OF TRANSPORTATION. Regulates transit. 202-366-9306 voice; 202-755-7687 or 202-366-2979 TDD.

WHO'S HIRING

The percentage of firms that have hired someone with a disability in the past three years:

	1986 (percent)	1995 (percent)
Number of employees		
***10,000 or more**	69	74
1,000 to 9,999	63	71
50 to 999	54	48

***Slight changes in hiring patterns since the passage of the Americans with Disabilities Act of 1990 are so small they lack statistical significance.**

Source: Louis Harris and Associates Inc., polls of 721 executives in 1986 and 404 executives in 1995 for the National Organization on Disabilities.

FEDERAL COMMUNICATIONS COMMISSION. Regulates telecommunications. Call 202-632-6999 TDD.

DEPARTMENT OF JUSTICE. Enforces regulations on access by the public to businesses and state and local government services. Call 202-514-0301 voice; 202-514-0381 or 202-514-0383 TDD.

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TECHNOLOGY-BASED RESEARCH ACTIVITY

Arrange computer-lab time for the purpose of using Volume II, Segments 2 and 3 from the CD-ROM entitled *U.S. Government: The First 200 Years*. These segments introduce post–Civil War government history for the years 1865 to 1901. Ask individuals or small groups of students to select Feature Presentations 2 and 3 from the "Contents" pull-down menu. As they view the material, have the students select one or more of the following activities:

1. **Note and develop a report on CD-ROM content that provides a historical foundation for concepts illustrated in the printed case study for this unit. Students may wish to use a computer-based device, such as a "notepad" feature, for developing their report.**

2. **Have the students locate one or more pictures or graphics from the presentations that represent the concepts emphasized in this unit. These images can be printed and used to create a collage as a unit project. A brief narrative can be required to describe the relevance of the pictures. (Note: A color printer is preferred for this activity. Pictures can be printed after clicking on the large magnifying-glass button found in the upper right-hand corner of the viewing area.)**

3. **Develop a one-page report to capsulize the historical development of U.S. government as presented in the segments studied.**

4. **Select a concept or person from the segments and develop a brief research report using the CD-ROM-based resources (e.g., encyclopedia, search function) and outside resources (e.g., library, Internet).**

Note: For tips on the use of the CD-ROM with the entire class, see page 7 of the CD-ROM User's Guide, which is located in the cover of the CD-ROM case.

CIVICS AT WORK

Arrange for a small group of local employers to meet with the class for a panel discussion on the local, state, and federal regulations that they are required to follow. Initiate the discussion by having each employer briefly describe his or her business and the impact of the regulations on that business.

Allow time for the students to ask questions of the panel members. It could be helpful to have the students write their questions in advance of this session, either during a previous class or as an assignment. Advise the students to focus on the principle of federalism and the interaction between the local, state, and federal levels of government.

If it is not possible to schedule a meeting with local employers, have the class use the Internet resources or the school library to research the collection of local, state, and federal regulations that a business is required to follow. This activity can be done individually or in small groups. For closure, a corresponding chart could be made by the individual or the group to illustrate the degree to which the three levels of government influence the activity of businesses in the United States.

CIVICS FOR REAL

On Day 7 divide the class into three groups. The first group should be assigned the task of researching the process whereby a bill becomes a law, including what Congress can do when a bill is vetoed by the president. The second group should research the different ways in which a president can veto a proposed law, and how successful the veto power has been over the years as a check on Congress. The third group should be assigned researching the power of judicial review, including how often it has been used to nullify federal laws, as opposed to the number of times state laws have been declared unconstitutional.

On Day 8 begin by again referring to the chart entitled "Separation of Powers and Checks and Balances." Tell the students that they will be called upon to apply the information that they gained on Day 7 to a hypothetical situation in which each of the three branches of the federal government will be able to exercise checks that are provided by the Constitution.

Start the exercise by asking the class to imagine that a member of Congress has proposed a bill that would prohibit individual states from requiring private business to include spaces designated for the handicapped in their parking lots. At this point the group that researched how a bill becomes a law should be asked to explain to the rest of the class the steps that this hypothetical bill would have to go through to become a law.

The group that researched the veto power should then be asked to explain to the rest of the class what the president's options are when a bill is presented by Congress. Discuss the different ways that a bill can be vetoed and how Congress can override a president's veto.

Finally, the group that researched the power of judicial review should be asked how an individual citizen could challenge the constitutionality of such a law if Congress were able to override the veto. It should be emphasized that in this case the Supreme Court would be examining a federalism question, because the hypothetical bill called for a prohibition on the states by Congress, a branch of the federal government.

For closure, examine the chart from the portfolio and discuss other checks that can be used by the three branches to help ensure the continuance of limited government.

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Notes:

MODULE 3:

The Constitution and the principles of American democracy

Federalism and the division of powers

"If the meanest man in the republic is deprived of his rights, then every man in the republic is deprived of his rights."

—Jane Addams, 1903

CONCEPT KEYWORDS

- rights of the accused
- Fifth Amendment
- Sixth Amendment
- Fourteenth Amendment
- right to counsel
- due process of law
- adversarial system
- inquisitorial system

Advance Planning: See Day 3 activities for pre-planning. You may need to arrange for the recommended activities 1–2 weeks in advance of class.

GEARING UP

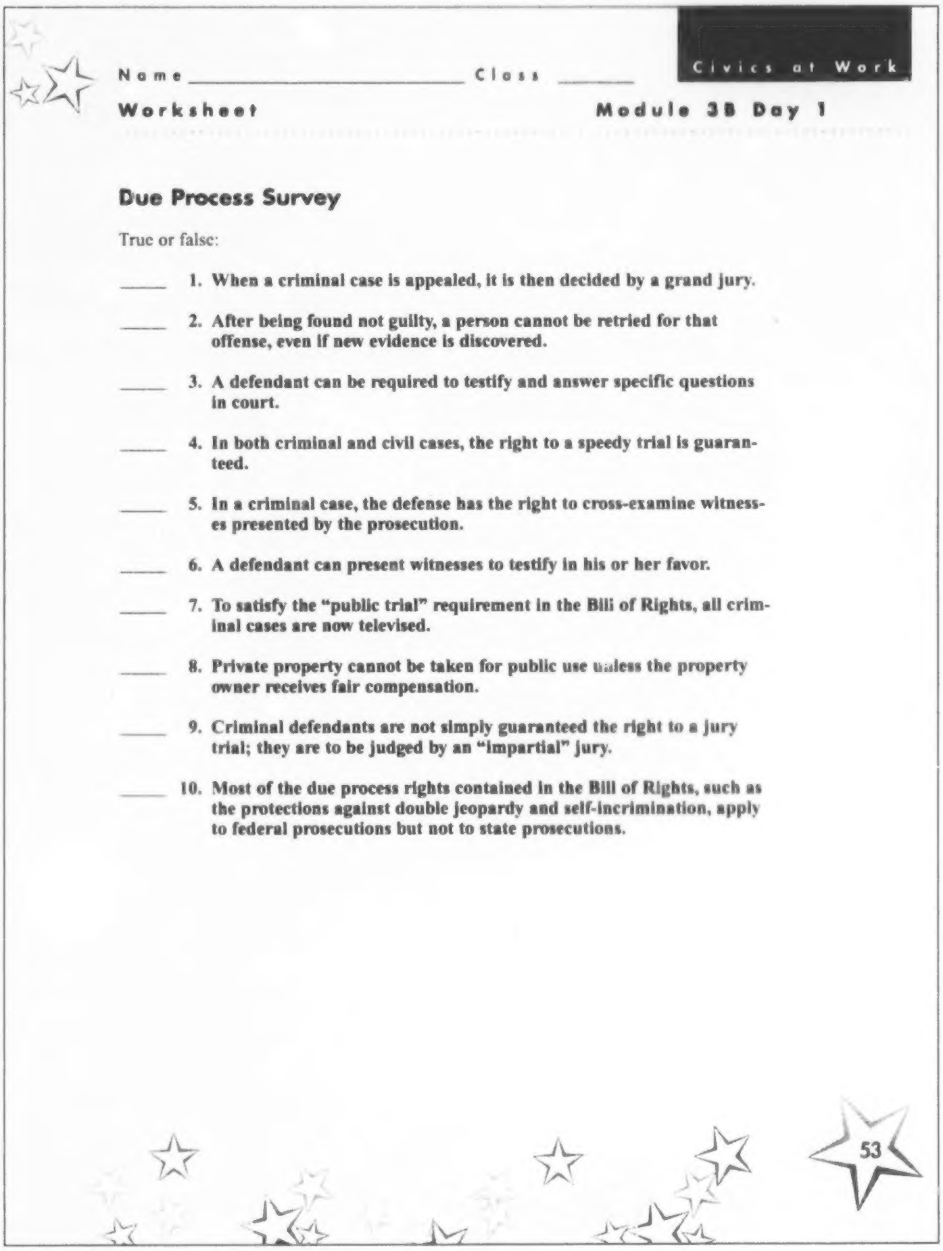
Open with the "Due Process Survey," which is located in the student portfolio. This exercise is intended to serve as an introduction to the Fifth, Sixth, and Fourteenth Amendments. Ask students to reread these amendments and to take the survey. After the students have surveyed their knowledge of these amendments, review the answers with the class.

Following the survey activity, refer to a copy of the U.S. Constitution. (Access to a copy is available through the AIT/Civics at Work Home Page on the Internet.) Refer the class to the Fifth and Sixth Amendments. For the Fifth Amendment, clarify the meaning of the following terms: grand jury indictment, double jeopardy, self-incrimination, the due process clause, and the takings clause. For the Sixth Amendment, clarify the meaning of the following terms: speedy and public trial, impartial jury, notification of charges, confrontation of witnesses, presentation of witnesses, and assistance of counsel.

After discussing these rights of the accused, refer students to Section 1 of the Fourteenth Amendment. Inform them that, originally, the procedural due process protections contained in the Bill of Rights applied only to the federal government. However, by the process known as selective incorporation, most of these rights now apply to the states. Selective incorporation is possible because the Fourteenth Amendment declares that a state cannot "deprive any person of life, liberty, or property, without due process of law."

Prior to the end of this class period, divide the class into three groups. Tell the first group that their assignment is to check with the local police to find out as much as possible about how a complaint about an obscene phone call is handled. The second group is to check with the local prosecutor or a representative of the juvenile court system to discover how an alleged obscene phone call would be handled if the accused were a minor. The third will research exactly what the state law is regarding obscene phone calls and, if possible, what the penalty is for making an obscene phone call in other states. Student inquiries may be handled by mail, e-mail, direct visit to the agency, or telephone. (It is recommended that you contact these sources in advance of the assignment in order to obtain the best means and contact persons for these inquiries.)

Tell the class that their research should be completed by Day 7 of this unit. (See Days 7 & 8 activities.)



Civics at Work

Name ____________________ **Class** ______

Worksheet **Module 3B Day 1**

Due Process Survey

True or false:

____ **1. When a criminal case is appealed, it is then decided by a grand jury.**

____ **2. After being found not guilty, a person cannot be retried for that offense, even if new evidence is discovered.**

____ **3. A defendant can be required to testify and answer specific questions in court.**

____ **4. In both criminal and civil cases, the right to a speedy trial is guaranteed.**

____ **5. In a criminal case, the defense has the right to cross-examine witnesses presented by the prosecution.**

____ **6. A defendant can present witnesses to testify in his or her favor.**

____ **7. To satisfy the "public trial" requirement in the Bill of Rights, all criminal cases are now televised.**

____ **8. Private property cannot be taken for public use unless the property owner receives fair compensation.**

____ **9. Criminal defendants are not simply guaranteed the right to a jury trial; they are to be judged by an "impartial" jury.**

____ **10. Most of the due process rights contained in the Bill of Rights, such as the protections against double jeopardy and self-incrimination, apply to federal prosecutions but not to state prosecutions.**

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1. *False. A grand jury decides if there is enough evidence to indict the defendant and hold a trial.*
2. *True. A second trial would constitute double jeopardy.*
3. *False. Witnesses, including the defendant, are protected from self-incrimination.*
4. *False. The right to a speedy trial is guaranteed only in criminal prosecutions.*
5. *True. All witnesses can be cross-examined.*
6. *True. A defendant can present witnesses to support his or her contentions.*
7. *False. Not all states allow or require trials to be televised. Also, individual judges have discretion in this area.*
8. *True. This is known as the power of eminent domain.*
9. *True. A jury must be impartial to render a valid decision.*
10. *False. Most of the procedural due process protections listed in the Bill of Rights have been applied to the states by a process known as selective incorporation.*

GETTING INVOLVED/ GETTING IT TOGETHER

Introduce the video case study that is provided for this unit by informing the class that they are going to watch a video drama that illustrates how the rights of the accused are protected by the Fifth, Sixth, and Fourteenth Amendments. The program is intended to emphasize that in an adversarial system of justice the right to counsel is central to the protection of a number of other procedural due process rights.

VIDEOTAPE DESCRIPTION

Drexel, a resident of the halfway house where Martin works, is arrested after stealing a car. Martin meets with the public defender who is representing Drexel, and the lawyer describes how her client's rights are protected under the Fifth, Sixth, and Fourteenth Amendments.

The video includes a discussion among residents of Martin's apartment building about the possible conviction and sentencing of Drexel. Issues regarding the fairness of the judicial system emerge during this discussion.

The following on-screen discussion questions are asked to provide closure:

1. **Why are suspects in our criminal justice system presumed to be innocent until proven guilty?**

   In an adversarial system of justice, the burden of proof is on the state, to prevent the government from inflicting arbitrary and oppressive penalties upon defendants.

2. **Why should a person have the right not to incriminate himself or herself?**

   The protection is a safeguard against improper interrogation during either the investigation or the trial stage. This protection is also consistent with the burden of proof standard that requires the state to prove its case against the defendant.

3. **What happens when a suspect's rights are violated?**

   Evidence or testimony that is obtained in violation of constitutional standards is inadmissible in court. Issues of this nature are often the subject of appeals to higher courts, including the U.S. Supreme Court.

4. **What is meant by Sir William Blackstone's (1723–80) quote, "Better that nine guilty men go free than one innocent man be convicted"?**

   To be consistent with the rule of law, the integrity of the judicial system requires that the burden of proof be met before any defendant is convicted.

If there is sufficient time, these follow-up questions can be used to continue the class discussion about the rights of the accused:

- **Why should the police be prohibited from questioning a person without the presence of a lawyer unless the suspect waives his or her right to counsel?**

  Most people are not familiar with the intricacies of law, and a lawyer is generally needed to help protect the many other due process rights guaranteed by the Constitution.

- **Why did the Supreme Court rule that, if the accused cannot afford a lawyer, the accused can request one at the public's expense?**

  In an adversarial system, both sides—the defense as well as the prosecution—should be represented by competent counsel to ensure a fair trial. It would be impossible to maintain this standard if only the affluent were represented in court.

- **In our system of justice, why is it important that trials be public?**

  If trials were held in private, in an inquisitorial manner, there would be no guarantee of fairness, which is the cornerstone of due process. On the other hand, in our adversarial system the public and the press can serve as checks on the power of government.

- **What changes, if any, would you suggest to help the criminal justice system in the United States maintain the right to a fair trial?**

  Answers will vary.

Note: When discussing the burden of proof standard, which requires the state to prove a defendant's guilt "beyond a reasonable doubt," point out to the students that this guideline is not specifically listed in the Bill of Rights. The standard has its roots in common law, and it has been recognized by the Supreme Court as a fundamental aspect of due process (see the Supreme Court case *In re Winship*, 1970).

CIVICS LIVE

Well in advance of this class period, arrange for any or all of the following guest speakers to visit the class: a public defender, a defense attorney in private practice, a prosecuting attorney, a criminal court judge, and a police officer. Have the members of this panel briefly describe the requirements of their respective professions and then ask them to entertain questions from the class about the criminal justice system.

To initiate this question-and-answer period, it might be helpful to replay a brief segment from the video that was used on Day 2. Select a few minutes of the video that pertain to the arrest and/or conviction of the person accused of auto theft, and ask the members of the panel if this is an accurate portrayal of the criminal justice system.

Following this meeting, the members of the class could be assigned a one-page report on how the information that was covered in this session supplemented the material covered in class during the first two days of this unit.

TECHNOLOGY-BASED RESEARCH ACTIVITY

Arrange computer-lab time for the purpose of using Volume II, Segments 4 and 5 from the CD-ROM entitled *U.S. Government: The First 200 Years*. These segments wrap up the period from 1865 to 1901 and introduce 20th-century U.S. government. Ask individuals or small groups of students to select Feature Presentations 4 and 5 from the "Contents" pull-down menu. As they view the material, have the students select one or more of the following activities:

1. **Note and develop a report on CD-ROM content that provides a historical foundation for concepts illustrated in the video for this unit. Students may wish to use a computer-based device, such as a "notepad" feature, for developing their report.**

2. **Have the students locate one or more pictures or graphics from the presentations that represent the concepts emphasized in this unit. These images can be printed and used to create a collage as a unit project. A brief narrative can be required to describe the relevance of the**

pictures. (Note: A color printer is preferred for this activity. Pictures can be printed after clicking on the large magnifying-glass button found in the upper right-hand corner of the viewing area.)

3. **Develop a one-page report to capsulize the historical development of U.S. government as presented in the segments studied.**

4. **Select a concept or person from the segments and develop a brief research report using the CD-ROM-based resources (e.g., encyclopedia, search function) and outside resources (e.g., library, Internet).**

Note: For tips on the use of the CD-ROM with the entire class, see page 7 of the CD-ROM User's Guide, which is located in the cover of the CD-ROM case.

DAY 6

CIVICS AT WORK

Arrange for this class session to be held in the school library or computer lab (if Internet access is available). Inform the class that they will be divided into three groups for the purpose of a one-period research project.

The first group should be assigned the topic of copyright law. The second should research the topic of patents that are issued by the government. The third group should investigate employment law as it pertains to minors. Each group should attempt to discover as much about their particular topic as possible in this relatively short period of time. Library resources or sources found at the Civics at Work Internet Resources page are sufficient to provide details on each of these areas.

Allow enough time near the end of the class for each group to report on what it was able to determine about the topic. Emphasize to the students that these are three areas of the law that affect them on a daily basis and that all are related to constitutional protection of property rights, including intellectual property and physical labor. Disputes involving such property are often decided in the courts.

Ask students to locate within the Constitution the protection that is afforded their assigned topic.

Groups 1 and 2: Article I, Section 8; Group 3: Fourteenth Amendment

DAY 7 DAY 8

CIVICS FOR REAL

On Day 7 have the three groups that were designated on Day 1 of this unit reassemble. The first group should have information on how the local police would handle a complaint of an obscene phone call. The second should have learned how an alleged obscene phone call would be handled by the local prosecutor or juvenile court if the accused were a minor. The third group should have researched the state law, and possibly the law in other states, regarding obscene phone calls.

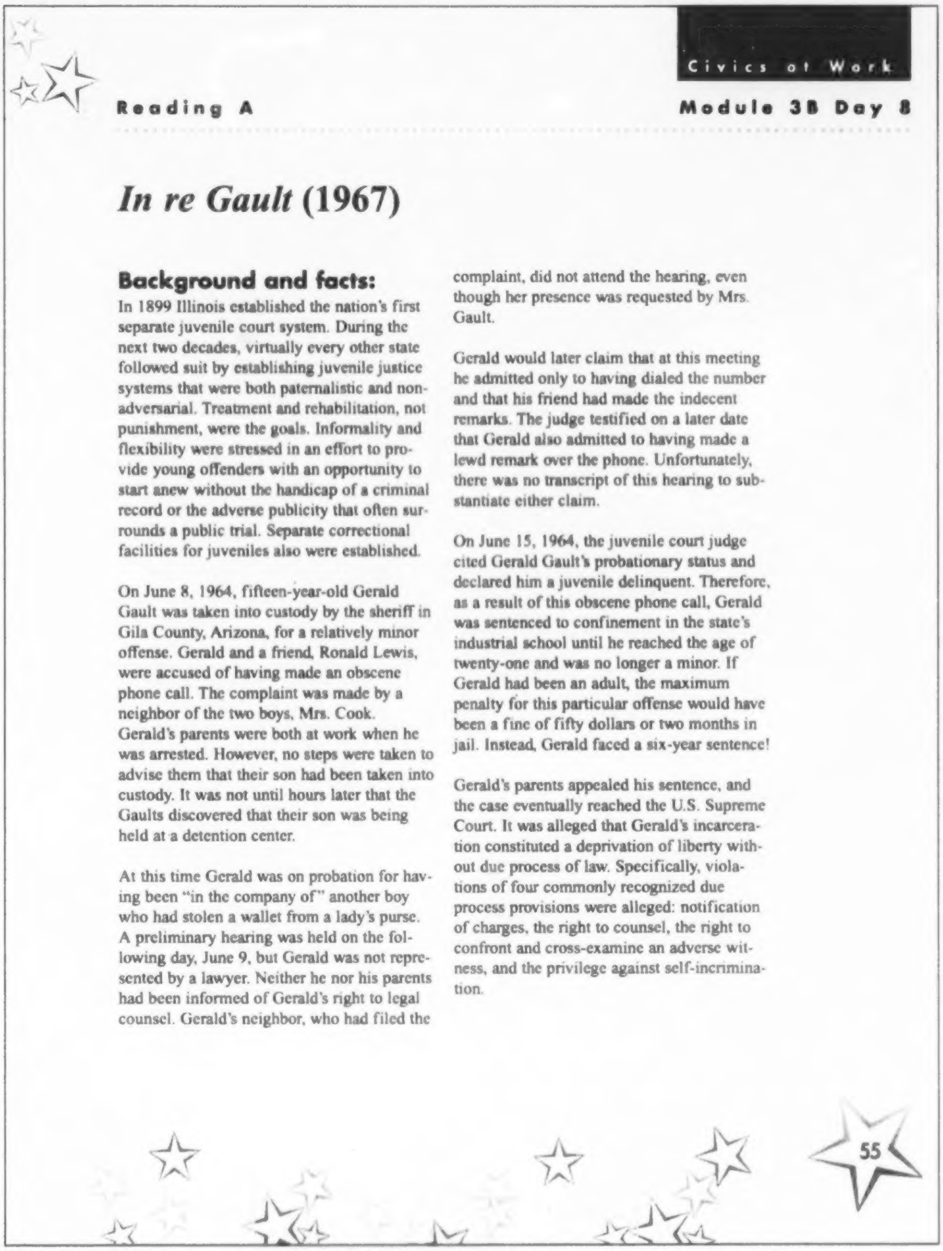
Allow the members of the groups enough time to compile the results of their research and to formulate a report that can be delivered to the rest of the class. If there is sufficient time, the reports can be given at the end of Day 7 or at the very beginning of Day 8.

On Day 8, in addition to having the group reports if there was insufficient time for them on Day 7, the class will read a brief summary of a Supreme Court case that involved a minor who had been accused of making an obscene phone call. Ask students NOT to read the actual decision for the case (also found in the portfolio) until they have developed their own opinions on the case.

This activity will provide the students with the opportunity to compare the results of their research on how such a matter would be handled today versus the penalty that at least one minor received for an obscene call in the 1960s. The students should be told in advance that this case led to an important Supreme Court decision on the due process rights of juveniles. Have the students read "*In re Gault* (1967)," which is in the portfolio.

Ask students to develop and explain an opinion (individually or in their groups) and present them (or collect for assessment purposes). Then refer students to the actual decision.

For an added challenge, assign students the task of researching these cases for additional details and arguments, using the Civics at Work Internet Resources.



Civics at Work

Reading A **Module 3B Day 8**

In re Gault (1967)

Background and facts:

In 1899 Illinois established the nation's first separate juvenile court system. During the next two decades, virtually every other state followed suit by establishing juvenile justice systems that were both paternalistic and nonadversarial. Treatment and rehabilitation, not punishment, were the goals. Informality and flexibility were stressed in an effort to provide young offenders with an opportunity to start anew without the handicap of a criminal record or the adverse publicity that often surrounds a public trial. Separate correctional facilities for juveniles also were established.

On June 8, 1964, fifteen-year-old Gerald Gault was taken into custody by the sheriff in Gila County, Arizona, for a relatively minor offense. Gerald and a friend, Ronald Lewis, were accused of having made an obscene phone call. The complaint was made by a neighbor of the two boys, Mrs. Cook. Gerald's parents were both at work when he was arrested. However, no steps were taken to advise them that their son had been taken into custody. It was not until hours later that the Gaults discovered that their son was being held at a detention center.

At this time Gerald was on probation for having been "in the company of" another boy who had stolen a wallet from a lady's purse. A preliminary hearing was held on the following day, June 9, but Gerald was not represented by a lawyer. Neither he nor his parents had been informed of Gerald's right to legal counsel. Gerald's neighbor, who had filed the complaint, did not attend the hearing, even though her presence was requested by Mrs. Gault.

Gerald would later claim that at this meeting he admitted only to having dialed the number and that his friend had made the indecent remarks. The judge testified on a later date that Gerald also admitted to having made a lewd remark over the phone. Unfortunately, there was no transcript of this hearing to substantiate either claim.

On June 15, 1964, the juvenile court judge cited Gerald Gault's probationary status and declared him a juvenile delinquent. Therefore, as a result of this obscene phone call, Gerald was sentenced to confinement in the state's industrial school until he reached the age of twenty-one and was no longer a minor. If Gerald had been an adult, the maximum penalty for this particular offense would have been a fine of fifty dollars or two months in jail. Instead, Gerald faced a six-year sentence!

Gerald's parents appealed his sentence, and the case eventually reached the U.S. Supreme Court. It was alleged that Gerald's incarceration constituted a deprivation of liberty without due process of law. Specifically, violations of four commonly recognized due process provisions were alleged: notification of charges, the right to counsel, the right to confront and cross-examine an adverse witness, and the privilege against self-incrimination.

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In re Gault (1967)

DO NOT READ UNTIL INSTRUCTED TO DO SO

Decision:

The U.S. Supreme Court, by a vote of 8–1, ruled that Gerald Gault had been deprived of his liberty without due process of law. The majority opinion was written by Justice Abe Fortas, who referred to due process of law as "the primary and indispensable foundation of individual freedom." He went on to state that due process "is the basic and essential term in the social compact which defines the rights of the individual and delimits the powers which the state may exercise." In other words, due process standards are necessary to maintain the proper balance between individual liberty and governmental authority.

Justice Fortas recognized that the purpose of juvenile courts is to emphasize rehabilitation over punishment. He did not suggest that the procedures followed in these courts should be altered to coincide exactly with adult criminal courts. However, Fortas, speaking for the majority, listed four basic safeguards that juvenile courts would be expected to follow to ensure fairness. These four standards were: notice of charges, the right to counsel, the privilege against self-incrimination, and the right to confront witnesses. Adhering to these basic procedures, in Fortas's opinion, would not diminish the informality or flexibility of the juvenile justice system.

Follow-up discussion questions:

1. **Do you agree or disagree with the idea that the juvenile justice system should emphasize rehabilitation over punishment?**
2. **Was the juvenile court's decision concerning Gerald Gault fair?**
3. **Do you agree with Justice Fortas that due process of law is the "primary and indispensable foundation of individual freedom"?**
4. **Justice Stevens, who wrote the lone dissent in this case, speculated that requiring juvenile courts to follow procedures formerly reserved for adversarial adult courts would have a harmful effect. Do you agree or disagree?**
5. **It is now relatively common for some minors to be tried in adult courts for more serious offenses. Should this trend continue?**

ADDITIONAL RESOURCES

Bodenhamer, David J. *Fair Trial: Rights of the Accused in American History*. New York: Oxford University Press, 1992.

Ehrenfreund, Norbert, and Lawrence Treat. *You're the Jury*. New York: Henry Holt and Co., 1992.

Smith, Duane, et al. *We the People.... The Citizen and the Constitution*. Calabasas, Calif.: Center for Civic Education, 1995, pp. 170–81.

MODULE 4:

The relationship of the United States to other nations and to world affairs

Foreign policy and national security

> *"What we call foreign affairs is no longer foreign affairs. It's a local affair. Whatever happens in Indonesia is important to Indiana.... We cannot escape each other..."*
>
> —Dwight D. Eisenhower, 1959)

CONCEPT KEYWORDS

- sovereignty
- diplomacy
- treaties and agreements
- sanctions
- military force and threat of force
- free and open trade
- human rights

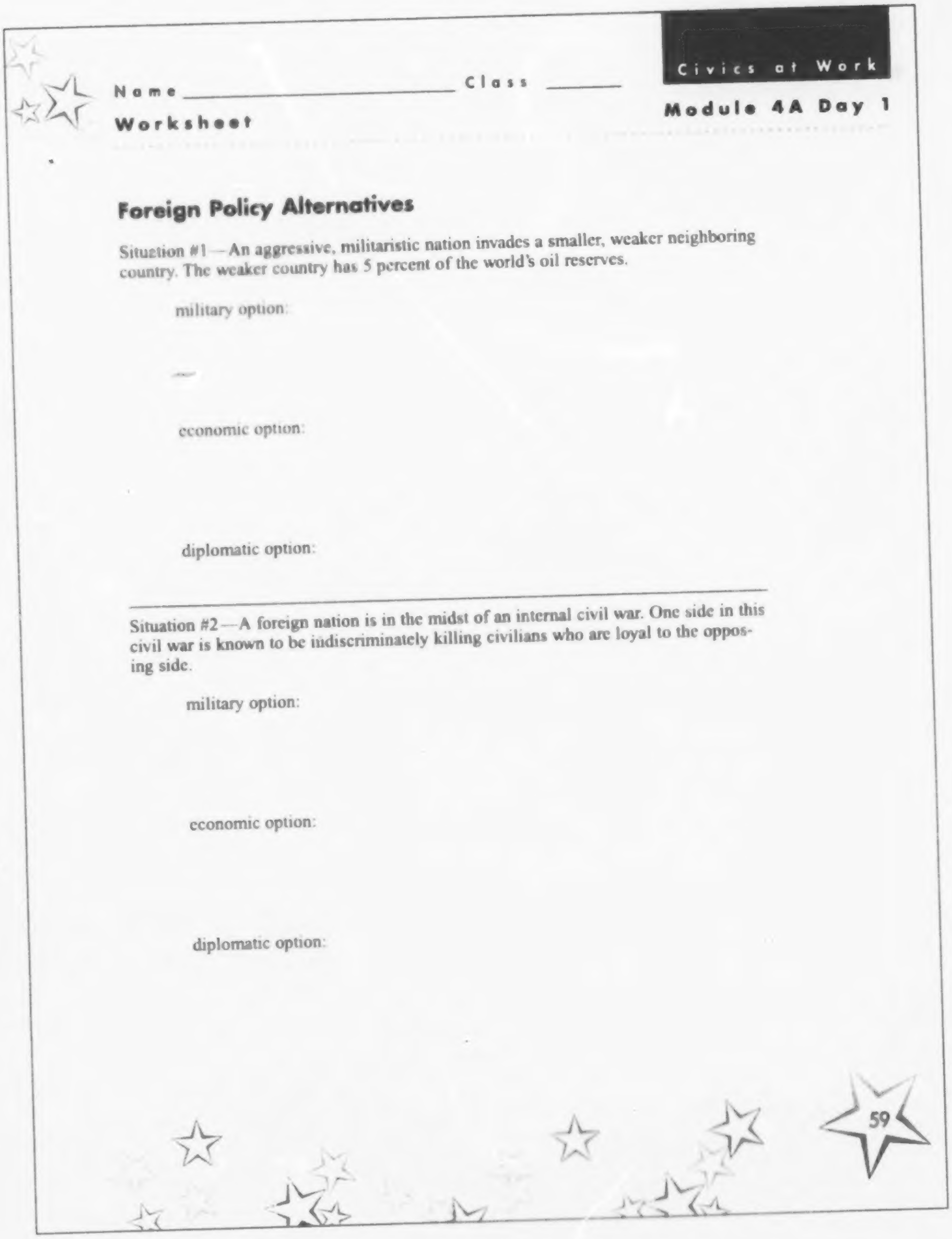
GEARING UP

Begin by asking the students if the United States has a responsibility to promote representative government and to protect human rights in other areas of the world. Inquire as to whether or not it is in the self-interest of the United States to pursue such goals around the world. During the course of this discussion, distinguish military options from economic and diplomatic options.

After this discussion, refer to the worksheet entitled "Foreign Policy Alternatives," which is in the student resource portfolio. The worksheet presents three hypothetical situations that could require a foreign policy initiative by the government of the United States. Divide the class into small groups and have each group create military, economic, and diplomatic options for each of the three situations.

Allow enough time for the groups to decide upon foreign policy options and then have each group report to the class on what they decided. After all of the options have been presented, have the class discuss what would be the best course of action for each of the three hypothetical situations.

For closure, discuss why disagreements over foreign policy play such an important role in American politics. Emphasize that the importance of international relations increases as international trade expands.



Civics at Work

Name ______________________ Class ______

Worksheet

Module 4A Day 1

Foreign Policy Alternatives

Situation #1—An aggressive, militaristic nation invades a smaller, weaker neighboring country. The weaker country has 5 percent of the world's oil reserves.

military option:

economic option:

diplomatic option:

Situation #2—A foreign nation is in the midst of an internal civil war. One side in this civil war is known to be indiscriminately killing civilians who are loyal to the opposing side.

military option:

economic option:

diplomatic option:

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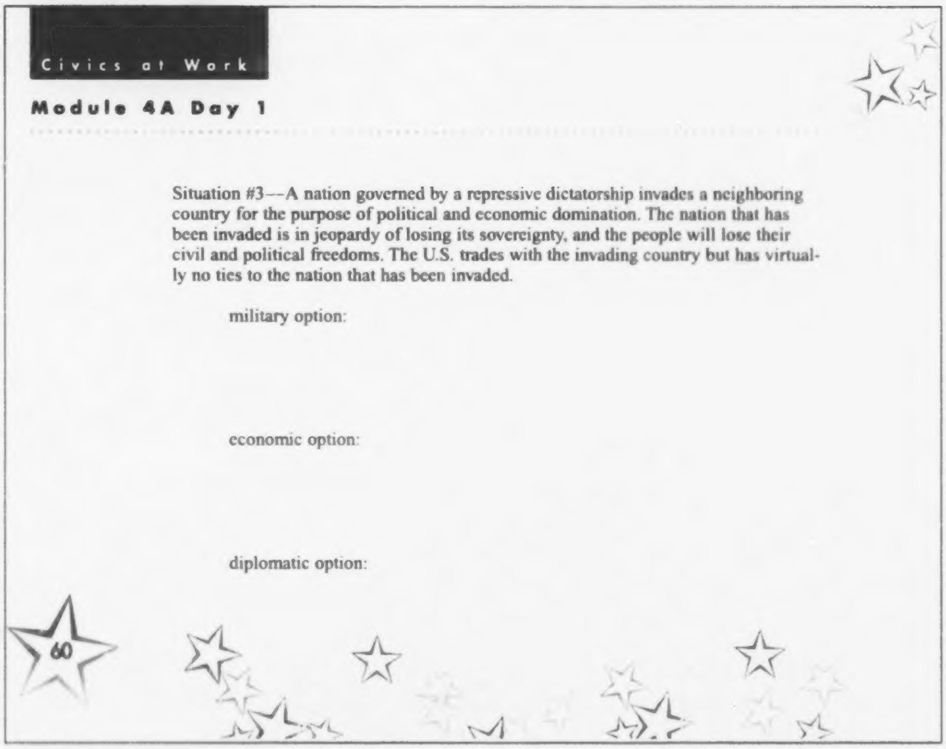

Civics at Work

Module 4A Day 1

Situation #3—A nation governed by a repressive dictatorship invades a neighboring country for the purpose of political and economic domination. The nation that has been invaded is in jeopardy of losing its sovereignty, and the people will lose their civil and political freedoms. The U.S. trades with the invading country but has virtually no ties to the nation that has been invaded.

military option:

economic option:

diplomatic option:

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GETTING INVOLVED/ GETTING IT TOGETHER

Refer to the student portfolio and have the students read the printed case study for this unit. The case study involves an individual who is considering joining the ROTC when he enters college. To learn more about the military, he decides to e-mail his congressman. Ask students to compose a list of questions that would help the character in the case study discover as much as possible about the military and foreign policy.

The students can be required to complete this assignment as individuals or in small groups. After they have composed their lists of questions, discuss the assignment with the class to determine what information is most essential in this situation.

If there is sufficient time, supplement the assignment with the following discussion questions:

* **What is the relationship between the military and foreign policy?**

* **Why should American citizens be concerned about the nation's foreign policy?**

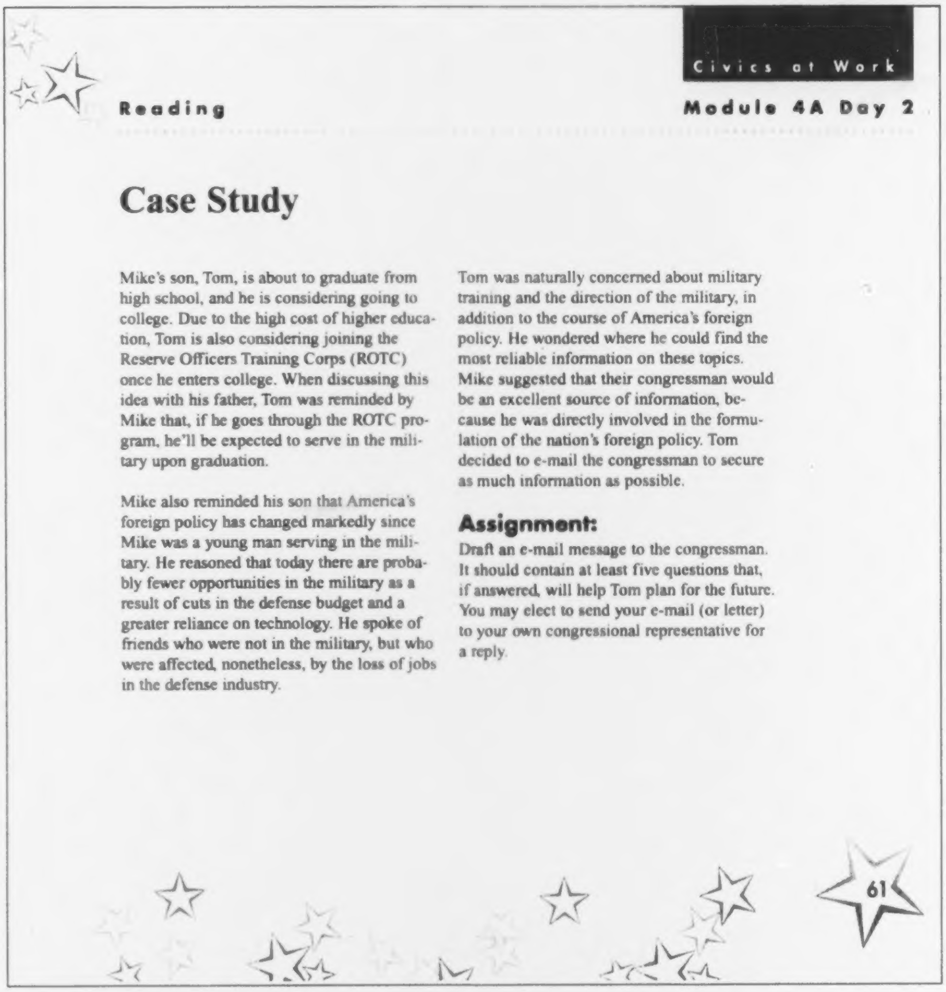
* **Should national security be the foremost objective of our foreign policy? Why or why not?**

* **In addition to national security, what should be the major objectives of our foreign policy?**

* **For the U.S., what are the advantages and disadvantages of providing foreign aid to other nations?**

* **Are there areas of the world where America's national security is currently at stake?**

* **What is isolationism? Should the United States adopt this type of foreign policy?**



Civics at Work

Reading **Module 4A Day 2**

Case Study

Mike's son, Tom, is about to graduate from high school, and he is considering going to college. Due to the high cost of higher education, Tom is also considering joining the Reserve Officers Training Corps (ROTC) once he enters college. When discussing this idea with his father, Tom was reminded by Mike that, if he goes through the ROTC program, he'll be expected to serve in the military upon graduation.

Mike also reminded his son that America's foreign policy has changed markedly since Mike was a young man serving in the military. He reasoned that today there are probably fewer opportunities in the military as a result of cuts in the defense budget and a greater reliance on technology. He spoke of friends who were not in the military, but who were affected, nonetheless, by the loss of jobs in the defense industry.

Tom was naturally concerned about military training and the direction of the military, in addition to the course of America's foreign policy. He wondered where he could find the most reliable information on these topics. Mike suggested that their congressman would be an excellent source of information, because he was directly involved in the formulation of the nation's foreign policy. Tom decided to e-mail the congressman to secure as much information as possible.

Assignment:

Draft an e-mail message to the congressman. It should contain at least five questions that, if answered, will help Tom plan for the future. You may elect to send your e-mail (or letter) to your own congressional representative for a reply.

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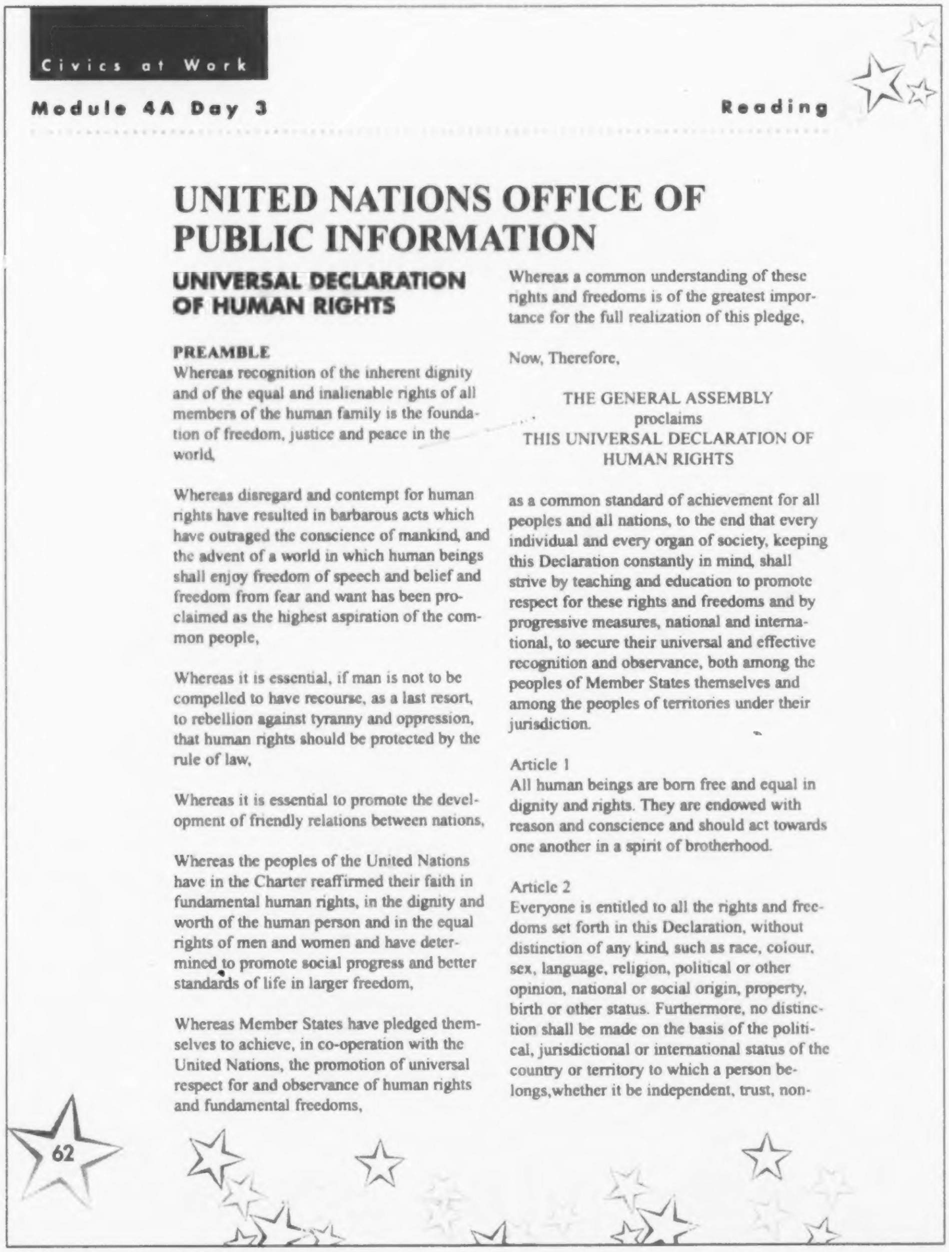
CIVICS LIVE

Begin by having the students locate the copy of the Universal Declaration of Human Rights, which is in the student portfolio. Explain to the class that this document was adopted by the United Nations in 1948. However, since the United Nations essentially lacks the power of enforcement, this proclamation of rights stands primarily as an ideal that the representatives to the U.N. hoped would be lived up to by the nations of the world.

Have the students read through the Universal Declaration of Human Rights after advising them to look for ways in which the document is both similar and dissimilar to the Bill of Rights, which is available in the Civics at Work Internet Resources. Then divide the class into small groups and have each group compose a list of rights that are contained in the declaration, but which are not specifically recognized in the Bill of Rights. Emphasize that, while some of these rights exist in the United States, they are unenumerated, meaning simply that they are not listed in the Bill of Rights (e.g., "the right to marry and to found a family").

After the groups have completed their lists, which should include such rights as freedom of movement and the right to join a trade union, have the various groups report on their findings to the rest of the class. Finally, if there is sufficient time, discuss why many of the rights cannot be taken for granted in many parts of the world.

For an alternative activity, ask students to develop briefings on governmental agencies concerned with foreign relations. Agencies might include the State Department, the U.S. Information Agency (USIA), the Department of Defense, the CIA, the Peace Corps, etc. An abundance of data on all of these agencies may be accessed through the Civics at Work Internet Resources.



UNITED NATIONS OFFICE OF PUBLIC INFORMATION

UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY
proclaims
THIS UNIVERSAL DECLARATION OF
HUMAN RIGHTS

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-

self-governing or under any other limitation of sovereignty.

Article 3
Everyone has the right to life, liberty and security of person.

Article 4
No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6
Everyone has the right to recognition everywhere as a person before the law.

Article 7
All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8
Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9
No one shall be subjected to arbitrary arrest, detention or exile.

Article 10
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11
(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12
No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13
(1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14
(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15
(1) Everyone has the right to a nationality.

Module 4A Day 3

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16
(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17
(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18
Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19
Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20
(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21
(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

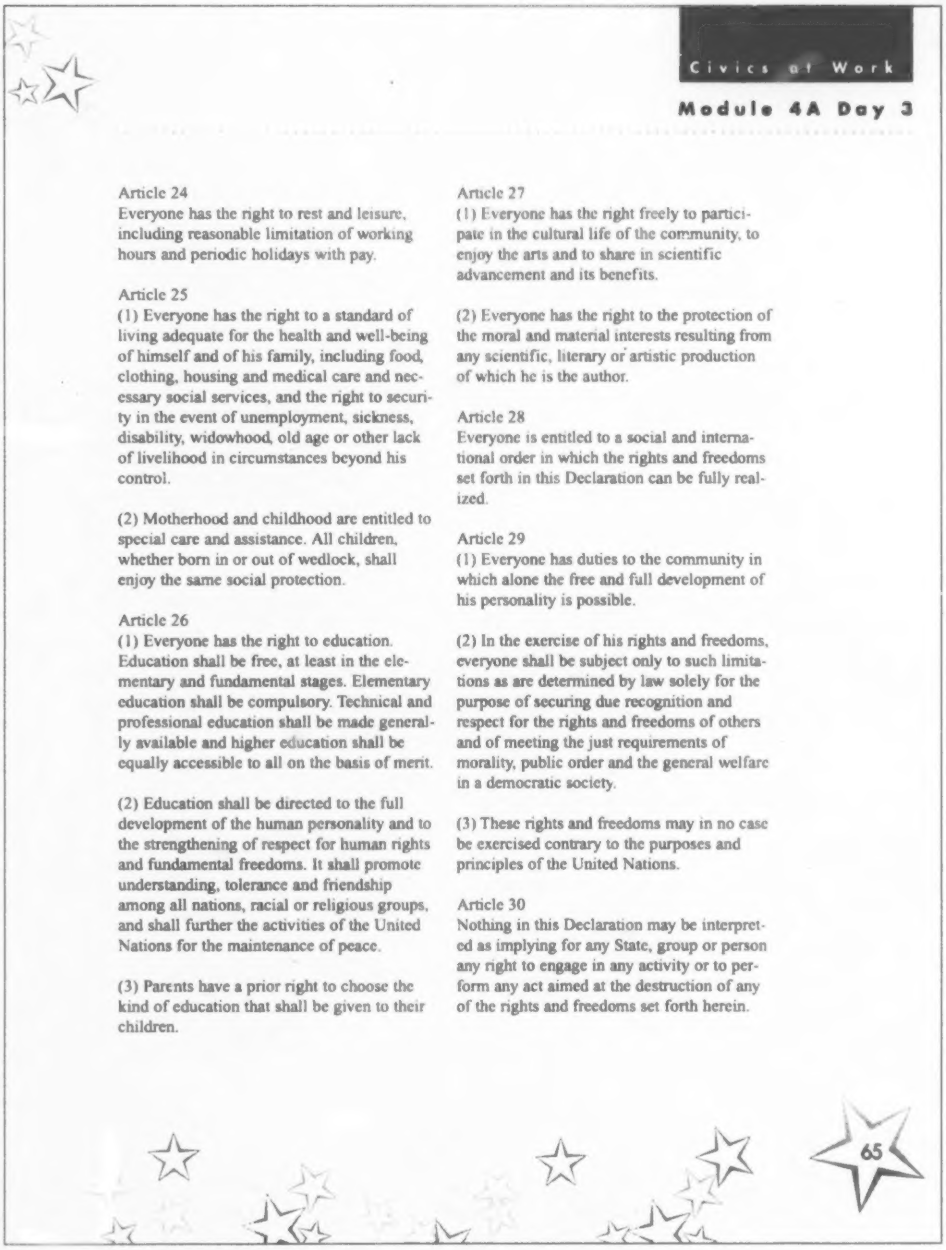
Article 22
Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23
(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.



Civics at Work

Module 4A Day 3

Article 24
Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25
(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26
(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27
(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28
Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29
(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30
Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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TECHNOLOGY-BASED RESEARCH ACTIVITY

Arrange computer-lab time for the purpose of using Volume II, Segments 6 and 7 from the CD-ROM entitled *U.S. Government: The First 200 Years*. These segments provide an opportunity for students to continue their exploration of U.S. government in the 20th century. Ask individuals or small groups of students to select Feature Presentations 6 and 7 from the "Contents" pull-down menu. As they view the material, have the students select one or more of the following activities:

1. Note and develop a report on CD-ROM

content that provides a historical foundation for concepts illustrated in the printed case study for this unit. Students may wish to use a computer-based device, such as a "notepad" feature, for developing their report.

2. **Have the students locate one or more pictures or graphics from the presentations that represent the concepts emphasized in this unit. These images can be printed and used to create a collage as a unit project. A brief narrative can be required to describe the relevance of the pictures. (Note: A color printer is preferred for this activity. Pictures can be printed after clicking on the large magnifying-glass button found in the upper right-hand corner of the viewing area.)**
3. **Develop a one-page report to capsulize the historical development of U.S. government as presented in the segments studied.**
4. **Select a concept or person from the segments and develop a brief research report using the CD-ROM-based resources (e.g., encyclopedia, search function) and outside resources (e.g., library, Internet).**

Note: For tips on the use of the CD-ROM with the entire class, see page 7 of the CD-ROM User's Guide, which is located in the cover of the CD-ROM case.

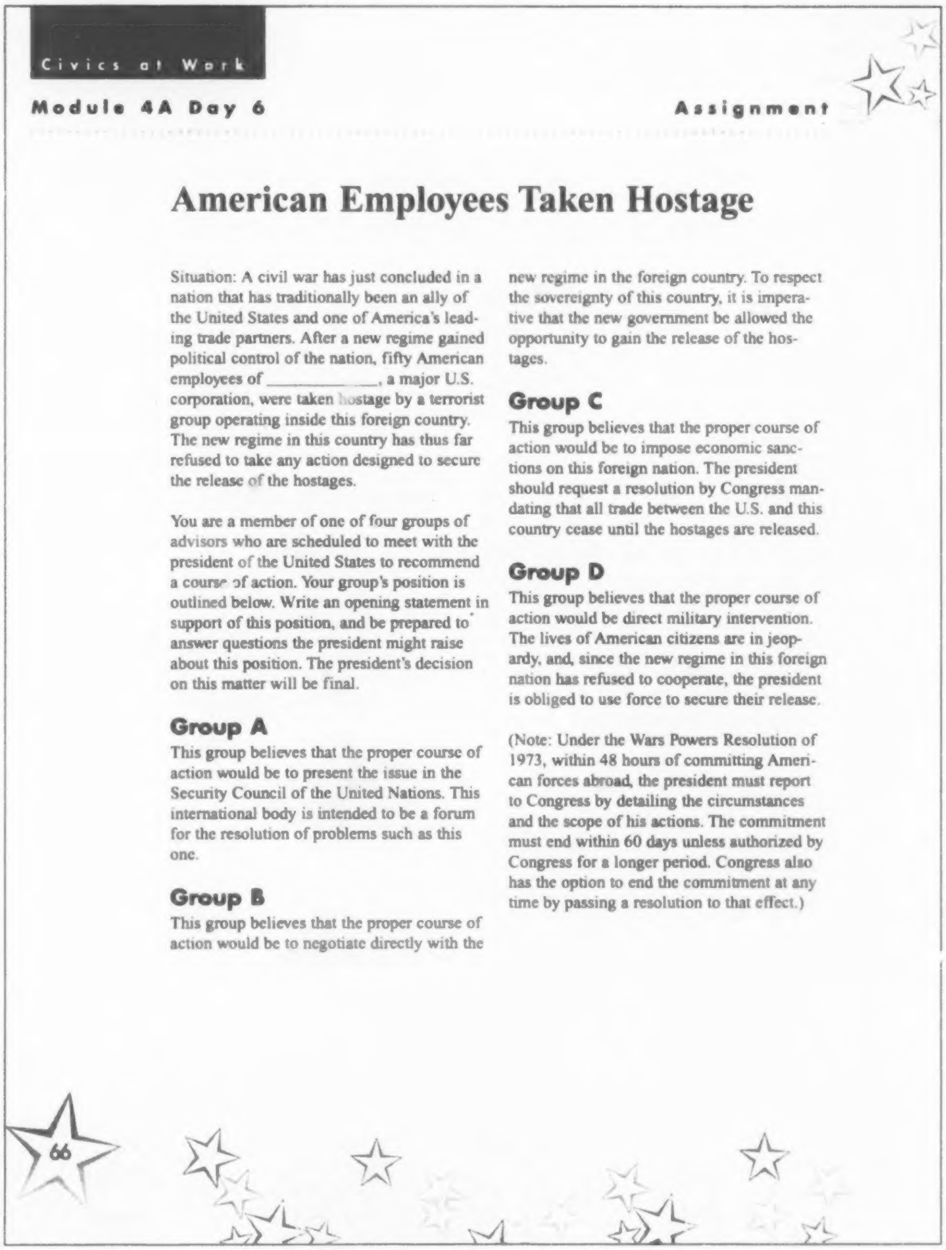
DAY 6

CIVICS AT WORK

Have the students read "American Employees Taken Hostage," which is located in the student portfolio. Then have the class elect one of the students to serve as the president of the United States. The class should then be divided into four groups corresponding to Groups A, B, C, and D as described in the reading.

Allow each group time to compose a statement that supports the position assigned to them in the reading. After these statements are read to the president, allow the president time to ask questions of each of the four groups to clarify their respective positions. After considering the alternatives, the president should then announce to the class his or her decision.

For closure, discuss the advantages and disadvantages of the four options.



Civics at Work

Module 4A Day 6 **Assignment**

American Employees Taken Hostage

Situation: A civil war has just concluded in a nation that has traditionally been an ally of the United States and one of America's leading trade partners. After a new regime gained political control of the nation, fifty American employees of ____________, a major U.S. corporation, were taken hostage by a terrorist group operating inside this foreign country. The new regime in this country has thus far refused to take any action designed to secure the release of the hostages.

You are a member of one of four groups of advisors who are scheduled to meet with the president of the United States to recommend a course of action. Your group's position is outlined below. Write an opening statement in support of this position, and be prepared to answer questions the president might raise about this position. The president's decision on this matter will be final.

Group A

This group believes that the proper course of action would be to present the issue in the Security Council of the United Nations. This international body is intended to be a forum for the resolution of problems such as this one.

Group B

This group believes that the proper course of action would be to negotiate directly with the new regime in the foreign country. To respect the sovereignty of this country, it is imperative that the new government be allowed the opportunity to gain the release of the hostages.

Group C

This group believes that the proper course of action would be to impose economic sanctions on this foreign nation. The president should request a resolution by Congress mandating that all trade between the U.S. and this country cease until the hostages are released.

Group D

This group believes that the proper course of action would be direct military intervention. The lives of American citizens are in jeopardy, and, since the new regime in this foreign nation has refused to cooperate, the president is obliged to use force to secure their release.

(Note: Under the Wars Powers Resolution of 1973, within 48 hours of committing American forces abroad, the president must report to Congress by detailing the circumstances and the scope of his actions. The commitment must end within 60 days unless authorized by Congress for a longer period. Congress also has the option to end the commitment at any time by passing a resolution to that effect.)

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Civics for Real

On Day 7, have the students read "The Future of NATO," which is in the student portfolio. The reading describes the origin and historical development of the North Atlantic Treaty Organization. After the narrative has been read, refer to the three questions labeled "For Discussion and Writing." Have the students answer these questions either in small groups or individually. Finally, discuss the questions.

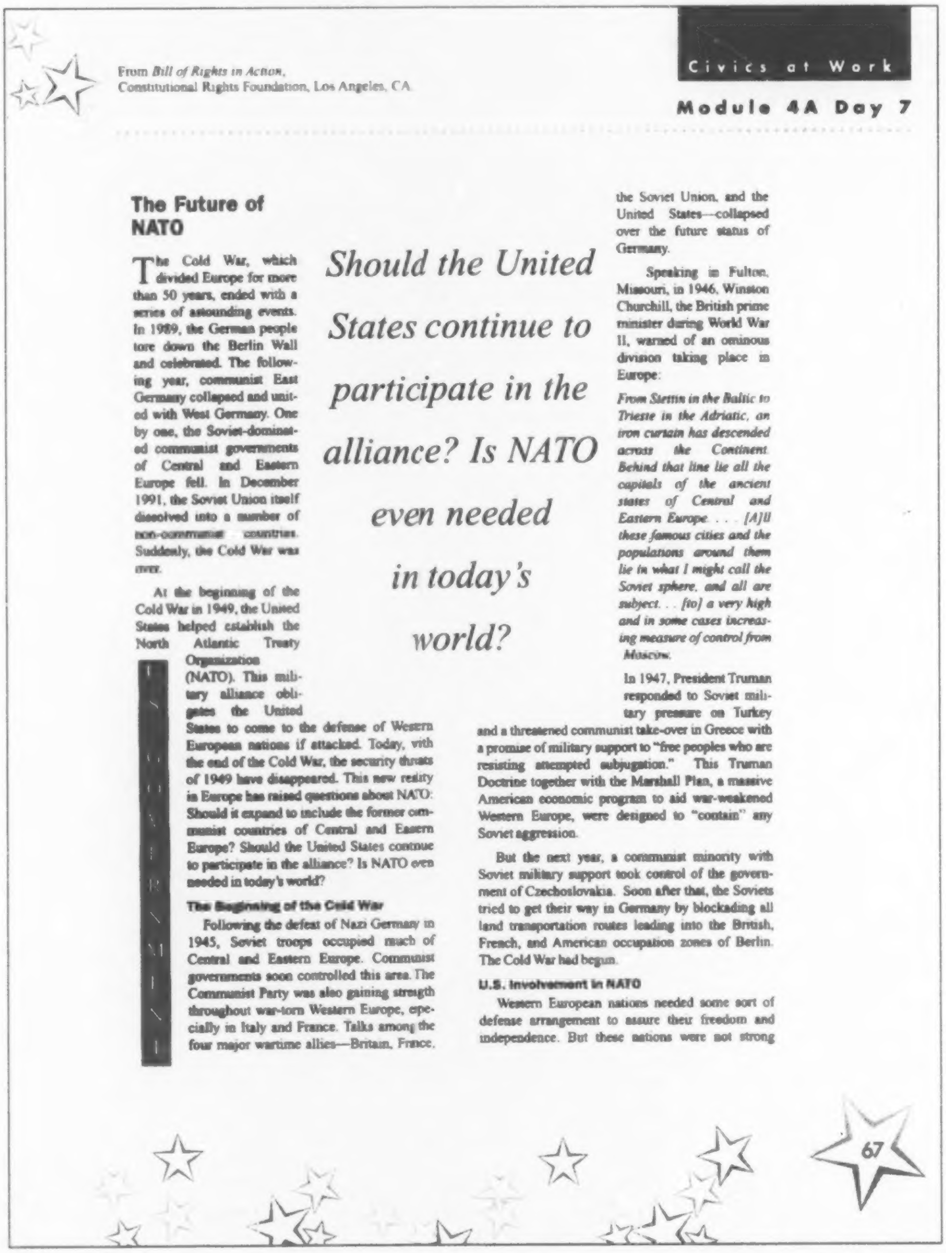
On Day 8, have the students follow the directions for the final section of the reading that is labeled "Activity: Should NATO Expand?"

At the end of the activity, have the students vote on the expansion of NATO. If there is sufficient time, discuss the present status and future of the North Atlantic Treaty Organization.

ADDITIONAL RESOURCES

Blechman, Barry. *The Politics of National Security: Congress and U.S. Defense Policy.* New York: Oxford University Press, 1990.

Edwards, George, and Wallace E. Walker (eds.). *National Security and the U.S. Constitution.* Baltimore: The Johns Hopkins University Press, 1988.



From *Bill of Rights in Action*,
Constitutional Rights Foundation, Los Angeles, CA

Civics at Work

Module 4A Day 7

The Future of NATO

Should the United States continue to participate in the alliance? Is NATO even needed in today's world?

The Cold War, which divided Europe for more than 50 years, ended with a series of astounding events. In 1989, the German people tore down the Berlin Wall and celebrated. The following year, communist East Germany collapsed and united with West Germany. One by one, the Soviet-dominated communist governments of Central and Eastern Europe fell. In December 1991, the Soviet Union itself dissolved into a number of non-communist countries. Suddenly, the Cold War was over.

At the beginning of the Cold War in 1949, the United States helped establish the North Atlantic Treaty Organization (NATO). This military alliance obligates the United States to come to the defense of Western European nations if attacked. Today, with the end of the Cold War, the security threats of 1949 have disappeared. This new reality in Europe has raised questions about NATO: Should it expand to include the former communist countries of Central and Eastern Europe? Should the United States continue to participate in the alliance? Is NATO even needed in today's world?

The Beginning of the Cold War

Following the defeat of Nazi Germany in 1945, Soviet troops occupied much of Central and Eastern Europe. Communist governments soon controlled this area. The Communist Party was also gaining strength throughout war-torn Western Europe, especially in Italy and France. Talks among the four major wartime allies—Britain, France, the Soviet Union, and the United States—collapsed over the future status of Germany.

Speaking in Fulton, Missouri, in 1946, Winston Churchill, the British prime minister during World War II, warned of an ominous division taking place in Europe:

> *From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent. Behind that line lie all the capitals of the ancient states of Central and Eastern Europe . . . [A]ll these famous cities and the populations around them lie in what I might call the Soviet sphere, and all are subject. . . [to] a very high and in some cases increasing measure of control from Moscow.*

In 1947, President Truman responded to Soviet military pressure on Turkey and a threatened communist take-over in Greece with a promise of military support to "free peoples who are resisting attempted subjugation." This Truman Doctrine together with the Marshall Plan, a massive American economic program to aid war-weakened Western Europe, were designed to "contain" any Soviet aggression.

But the next year, a communist minority with Soviet military support took control of the government of Czechoslovakia. Soon after that, the Soviets tried to get their way in Germany by blockading all land transportation routes leading into the British, French, and American occupation zones of Berlin. The Cold War had begun.

U.S. Involvement in NATO

Western European nations needed some sort of defense arrangement to assure their freedom and independence. But these nations were not strong

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enough, either individually or collectively, to defend themselves against a major Soviet attack.

Shortly after the Berlin Blockade began, representatives of Great Britain, France, Canada, Belgium, the Netherlands, and the United States met in Washington. They discussed issues affecting the security of Western Europe and North America. One issue was how to make Western Europe strong enough to balance the power of the Soviet Union. Another problem involved the future of Germany in Europe.

After the war, Germany and its old capital city, Berlin, had been divided and occupied by the four major allies. Military occupation would have to end sometime. What would be the role of Germany then? The representatives knew that Germany would regain its economic power and prominence in Europe. They didn't want Germany to become once again a military threat.

> *To the Western Europeans, there was only one solution to the potential threats of an aggressive Soviet Union and a remilitarized Germany. . . the permanent involvement of the United States in the security of Europe.*

To the Western Europeans, there was only one solution to the potential threats of an aggressive Soviet Union and a remilitarized Germany. This was the permanent involvement of the United States in the security of Europe. The United States would provide the balance of power preventing either the Soviets or the Germans from dominating Europe.

The Washington talks resulted in the drafting of the North Atlantic Treaty. On April 4, 1949, the foreign ministers of Belgium, Canada, Denmark, France, Great Britain, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, and the United States signed the treaty in Washington. Its key provision states that the signing nations "agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all . . . ." In the event of an attack, each party to the treaty also agree to take "such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

The following October, Congress authorized $500 million in military aid to strengthen America's Western European allies. The United States also led the effort to establish an organization (the "O" in NATO) to operate the new military alliance. General Dwight D. Eisenhower was appointed the supreme allied commander of all NATO forces in Europe. In April 1951, the U.S. Senate passed a resolution supporting President Truman's decision to permanently station four U.S. Army divisions in Europe (in addition to the two divisions already occupying Germany).

Over time, NATO expanded to include Greece, Turkey, West Germany, and Spain for a total of 16 member-nations. The American military forces on European soil eventually grew to over 300,000 troops. The unqualified success of NATO can be measured by the fact that the defense alliance was never challenged during the 50 years of the Cold War.

NATO's Future

With the end of the Cold War and Soviet Union gone, a debate developed over the need for the United States to remain involved in the defense of Europe.

Some called for withdrawing all U.S. troops from European soil and even the disbanding of NATO itself. According to this view, NATO had done its job and no longer had any purpose.

Others, however, argued that the fall of communism in Central and Eastern Europe had produced new dangers. Political and economic instability in Russia (a nuclear power), ethnic conflicts in the nations formed from the old Soviet Union, and civil wars like the one that engulfed former communist Yugoslavia could still threaten the security of Western Europe. In addition, if U.S. forces withdrew from Europe, the new reunified Germany would probably feel the need to build up its own military defense, perhaps even including nuclear weapons. Such a development would undoubtedly scare its neighbors. For all of these reasons, the Western Europeans, including the Germans, have unanimously favored the continuation of NATO with full American participation.

The unqualified success of NATO can be measured by the fact that the defense alliance was never challenged during the 50 years of the Cold War.

At the NATO summit in January 1994, President Clinton reaffirmed the U.S commitment to NATO and the defense of Western Europe. "The security of the North Atlantic region," he declared, "is vital to the security of the United States." He went on to promise that the United States would keep at least 100,000 American troops stationed in Europe.

President Clinton also promoted "Partnership for Peace." Under this plan, the former communist countries of Europe could participate with NATO in joint planning, training, and military exercises. They could also "consult" with NATO if threatened or attacked. "Partnership for Peace" was envisioned as a pathway for old Iron Curtain countries to someday become full members of the NATO alliance.

Some foreign policy experts have raised troubling questions about enlarging NATO. Are the United States and its current NATO allies really prepared to defend a much larger area in Europe? Would U.S. troops be stationed in Central and Eastern European countries? Would NATO position nuclear weapons there?

But the most important objection to expanding NATO eastward in Europe concerns the reaction of Russia. It would almost certainly alarm the Russians if the NATO defense line were pushed literally to their border. In fact, the Russian foreign minister vowed early in 1996 to oppose any plan that included former Soviet bloc nations in NATO.

NATO and Bosnia

Another problem facing NATO is the ethnic civil war in Bosnia. In 1992, following the collapse of communism, Bosnia declared its independence from Yugoslavia, one of the former communist states of Europe. Civil war broke out among Bosnia's ethnic groups—Muslims, Serbs, and Croats. The war was marked by "ethnic cleansing," the massacre and forced exodus of innocent civilians. Although no NATO country was attacked, this war could have easily spilled over into NATO territory, particularly Greece.

The war in Bosnia raised a new question for NATO. Just how far should NATO go in preserving the peace of Europe when alliance members are not directly threatened?

Several NATO members wanted to intervene. They argued that NATO could not simply stand by while genocide was taking place in Europe. Most members, however, urged caution because the conflict was based on old ethnic hatreds. If NATO entered the war, they argued, it would sink huge amounts of troops and reasources into a mess it couldn't hope to solve. Further, they noted, NATO would probably have to intervene against the Serbs who were winning the civil war. The Serbs are traditional allies of Russia.

So NATO took the position that it would help to bring about and then implement "a viable settlement reached in good faith."

Starting in 1993, NATO aircraft began to fly combat missions to protect civilian "safe areas" and U.N.

With the end of the Cold War and Soviet Union gone, a debate developed over the need for the United States to remain involved in the defense of Europe.

Module 4A Day 7

forces trying to bring about an end to the fighting in Bosnia. These were the first combat engagements ever by NATO forces. As a result of both NATO's military and diplomatic efforts, the warring parties agreed to negotiate a peace agreement, which was finally signed in Paris on December 14, 1995.

A few days later, NATO's Implementation Force (IFOR) began to carry out the military elements of the peace agreement. This involved sending 60,000 troops from about 30 NATO and non-NATO countries (including Russia) to separate the fighting armies in Bosnia and maintain the peace. The United States contributed one-third of the combat troops to this peacekeeping effort.

> *At the NATO summit in January 1994, President Clinton reaffirmed the U.S. commitment to NATO and the defense of Western Europe.*

Some have called IFOR a "dream team" because of the participation of so many countries and the inclusion of Russian troops under NATO command. IFOR could become a model for peacekeeping throughout all of Europe. Others, however, argue that neither the United States nor NATO has any business interfering in conflicts taking place outside NATO territory. Nevertheless, Bosnia does provide a test for whether NATO has any meaningful peacekeeping role to play in Europe now that the Cold War is over.

For Discussion and Writing

1. When the United States decided to join NATO in 1949, policy-makers ignored a longstanding American tradition of avoiding permanent foreign alliances. Do you think the United States did the right thing at that time? Why or why not?
2. What is the main argument for and the main argument against enlarging NATO to include former communist Central and Eastern European countries? Which argument is better? Why?
3. Some argue that we should withdraw all our troops from Europe and leave the defense of Europe to the Europeans. Do you agree or disagree with this view? Why?

For Further Reading

Duffield, John S. "NATO's Functions After the Cold War." *Political Science Quarterly*. Winter 1994-95:763-787.

Ireland, Timothy P. *Creating the Entangling Alliance. The Origins of the North Atlantic Treaty Organization.* Westport, Conn.: Greenwood Press, 1981.

ACTIVITY

Should NATO Expand?

The former communist countries of Central and Eastern Europe have expressed interest in joining NATO. Imagine NATO has appointed a commission to decide on whether these countries should be allowed to join.

1. Divide the class into triads. Assign each student in the triads a role of supporter of expansion, opponent of expansion, or commission member.
2. Regroup the class so they can consult with one another while preparing for the role-play. Supporters of expansion should sit on one side of the room, opponents on another side, and commission members in front. Supporters and opponents should think up their best arguments, and commission members should think of questions to ask each side.
3. Redivide into triads and begin the role-play. Supporters will present their case first. Each side will have two minutes to make its presentation. Commission members can interrupt to ask questions. After both sides present, each commission member should return to his or her seat at the front of the room.
4. Commission members should discuss and vote on the expansion of NATO.

MODULE 4:

The relationship of the United States to other nations and to world affairs

Foreign policy and the economy

"I would observe that commerce, consisting in a mutual exchange of the necessities and conveniences of life, the more free and unrestrained it is, the more it flourishes; and the happier are all the nations concerned in it."

—Benjamin Franklin, 1783

CONCEPT KEYWORDS

- foreign policy
- diplomacy
- trade/tariffs
- foreign aid
- economics
- militarism
- humanitarianism
- treaties and agreements
- military intervention

GEARING UP

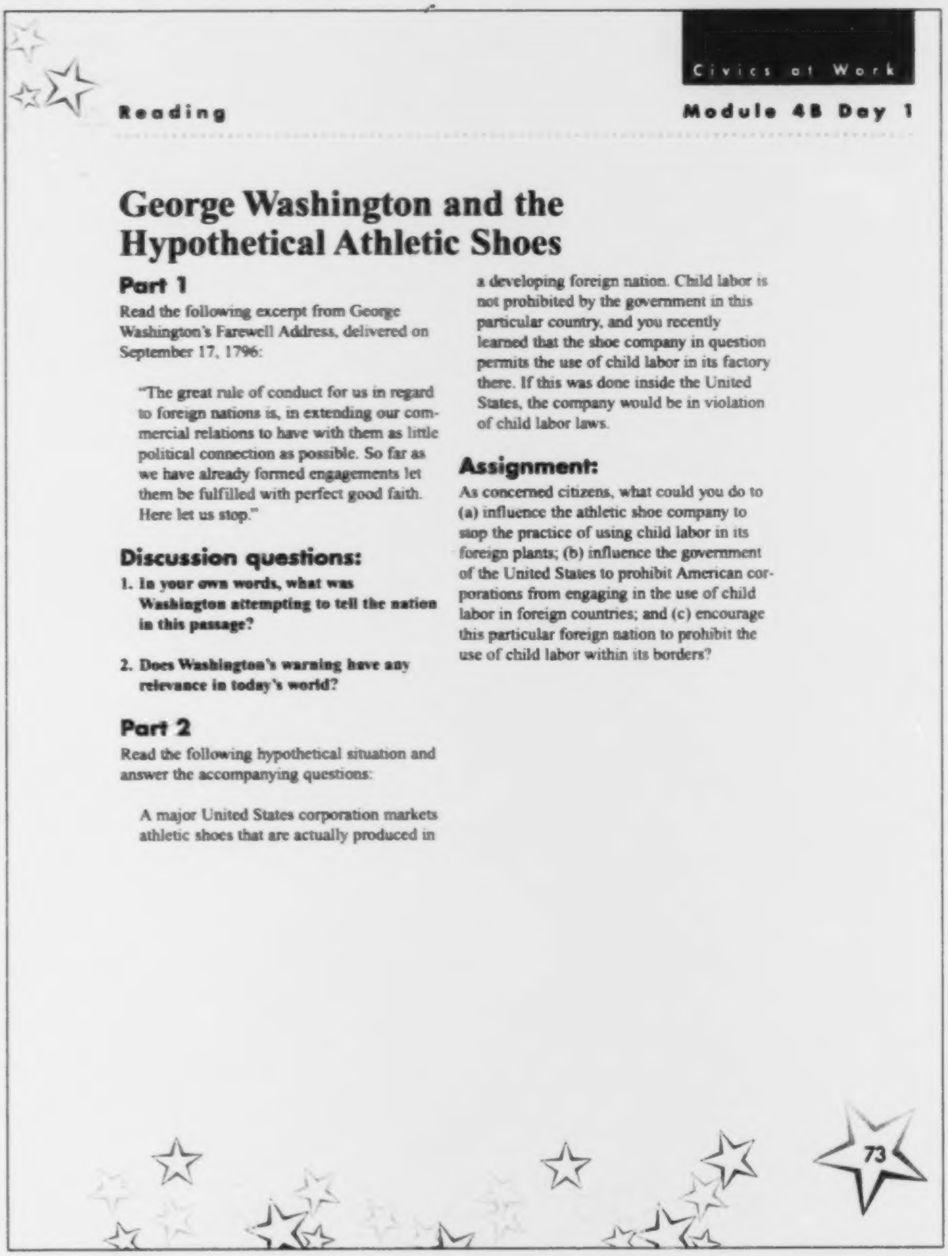
Begin by referring to the reading entitled "George Washington and the Hypothetical Athletic Shoes," which is in the student resource portfolio. Have the students read the excerpt from Washington's Farewell Address, which was delivered in 1796 (and is found in the reading). Ask the students what Washington was trying to tell the nation in this passage and whether or not his warning has relevance in today's world.

Following this brief discussion, proceed to the hypothetical "situation" that is also included in the reading. Divide the class into small groups and have each group decide what they, as concerned citizens, could do to influence the shoe company, the government of the United States, and the government of the foreign country.

A possible answer regarding the shoe company would be to organize a boycott of the company's products if the executives of the corporation failed to discontinue the use of child labor. To influence the U.S. government, citizens could contact their representatives in Congress and urge investigation of the charges. Should the allegation be verified, citizens could ask Congress to prohibit the athletic shoes from being sold in the United States. Regarding the foreign nation, American citizens could organize a boycott of products manufactured in that country if its government failed to respond to calls for reform.

Have each group report to the class on the decisions that they made, and discuss what would be the most effective course of action. Also, ask the students if the United States should allow trade with foreign nations that are known to violate basic human rights. On the other hand, should the United States use its economic policies to impose American beliefs and traditions on other areas of the world? Finally, ask students to contrast the foreign policy conditions of today with those of George Washington's era.

Note: Before the end of this class period, assign the worksheet titled "Profile of a Local Company," which is located in the portfolio. Tell the students that this assignment is due on Day 3 of this unit.



Civics at Work

Reading **Module 4B Day 1**

George Washington and the Hypothetical Athletic Shoes

Part 1

Read the following excerpt from George Washington's Farewell Address, delivered on September 17, 1796:

> "The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop."

Discussion questions:

1. **In your own words, what was Washington attempting to tell the nation in this passage?**
2. **Does Washington's warning have any relevance in today's world?**

Part 2

Read the following hypothetical situation and answer the accompanying questions:

> A major United States corporation markets athletic shoes that are actually produced in a developing foreign nation. Child labor is not prohibited by the government in this particular country, and you recently learned that the shoe company in question permits the use of child labor in its factory there. If this was done inside the United States, the company would be in violation of child labor laws.

Assignment:

As concerned citizens, what could you do to (a) influence the athletic shoe company to stop the practice of using child labor in its foreign plants; (b) influence the government of the United States to prohibit American corporations from engaging in the use of child labor in foreign countries; and (c) encourage this particular foreign nation to prohibit the use of child labor within its borders?

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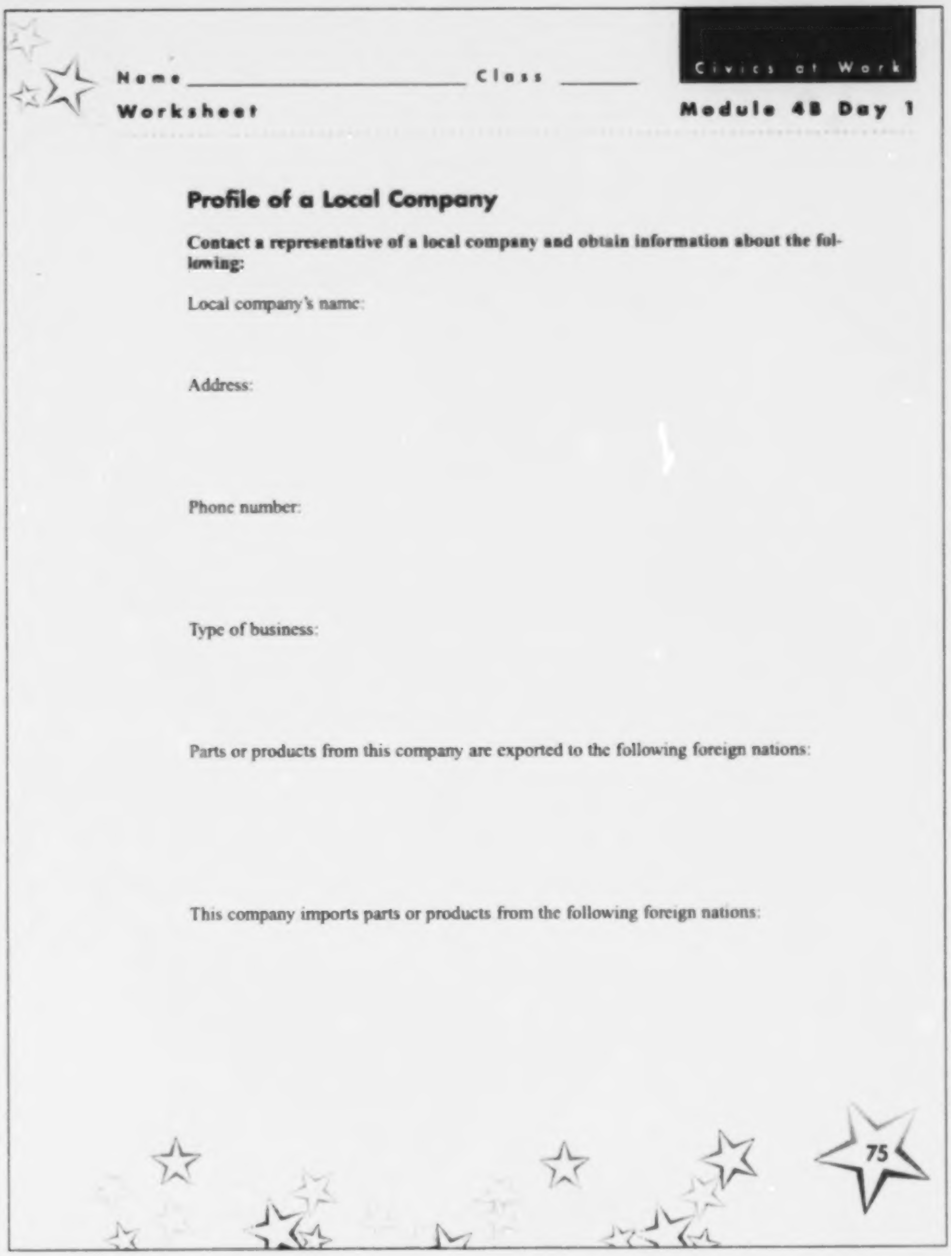

Name ______________________ Class ______

Civics at Work

Worksheet

Module 4B Day 1

Profile of a Local Company

Contact a representative of a local company and obtain information about the following:

Local company's name:

Address:

Phone number:

Type of business:

Parts or products from this company are exported to the following foreign nations:

This company imports parts or products from the following foreign nations:

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GETTING INVOLVED/ GETTING IT TOGETHER

Introduce the video case study that is provided for this unit by suggesting that the complex relationship between this nation's foreign policy and its economic objectives can have a direct effect upon American citizens. The videotape portrays such an event.

VIDEOTAPE DESCRIPTION

Part 1

Mei Wuang learns that the company she works for is considering "outsourcing" parts to China in an effort to increase its share of the electronic components business. The outsourcing would result in the importation of electronic transformers from China. Mei Wuang is concerned because she currently works on an assembly line that produces the transformers for the company in the United States. Her co-workers have become friends and they are equally concerned about the status of their jobs.

Later, in a discussion with Mike and Mari, Mike tells Mei Wuang that the outsourcing of parts is an economic maneuver that many American companies have adopted. He relates that the reasoning is that it's simply a wise business practice to move the production operation to where the cost of labor is lower. However, other concerns emerge from this discussion. Mei Wuang, who was born in China, tells Mike that political prisoners in China have been sentenced to forced-labor camps. Mari adds that China has a dismal human rights record. Mei Wuang still has a number of family members living in China who have been unable to emigrate to the United States, and it disturbs her to think that the company she works for might one day be importing parts produced by forced labor. For Mei Wuang, this possibility goes beyond economic strategy: it's a moral issue. Mari suggests that if Mei Wuang were to relay her concerns to the executives in the company, it could alter their view of the outsourcing of parts.

At the end of Part 1 pause the videotape to consider the following on-screen questions:

1. **How does U.S. foreign policy affect Mei?**

   The U.S. government does allow trade with China, despite its human rights record, and this could have a direct effect upon Mei Wuang's job status.

2. **What are the arguments supporting and opposing outsourcing to China?**

   Outsourcing could be a sound economic move that will actually protect the jobs of its American employees by making the company more competitive. Conversely, if the parts are produced by forced labor, the company could be accused of supporting a system that contradicts established American values.

3. **What are the foreign policy objectives involved in this situation?**

   Trade with China is encouraged because China is a developing nation with an enormous population. The recognition of basic human rights in China, and elsewhere, is also a foreign policy objective.

4. **Why is there a tension between foreign policy objectives in this situation?**

   The U.S. government supports the cause of human rights and the development of representative government around the world. The government also seeks to implement an economic policy that facilitates the growth of America's role in international trade. Additionally, some observers argue that the most effective way to encourage

social reform in a nation that has a questionable record in the area of human rights is to make that particular country a trade partner.

Part 2
During a break at work, Mei Wuang talks to her labor union representative, George Cassidy, about the outsourcing of parts and about the human rights dimension to the issue. George was initially concerned that outsourcing could result in the loss of jobs at the plant. He interprets Mei Wuang's human rights argument as a possible leverage device, and he suggests a meeting with Ms. Sloane, the plant manager.

During the meeting Mei Wuang emphasizes the violation of human rights in China. Cassidy interjects that Mei Wuang speaks from her personal experience with the political system in China, and the fact that she is a native of China places her in a unique position to address the issue of outsourcing. Cassidy also observes that a concern for human rights has been raised in the past by a number of the company's stockholders.

Throughout the meeting, the plant manager listens sympathetically, and she concedes that Mei Wuang and George have made valid points about outsourcing. However, she contends that the concern for human rights is but one part of the equation, and other issues are involved. Sloane argues that the company's survival and competitiveness are at stake. Outsourcing, in the eyes of the plant manager, will make the jobs of the company's American employees more secure by reducing production costs and thereby ultimately gaining a greater share of the industry. Sloane claims that China will experience fewer economic problems as it increases its interaction with foreign companies and that the Chinese people will, in turn, experience fewer hardships. This, she asserts, is the appropriate long-range view of the issue.

Sometime after this meeting, the company's board of directors meets, and they recommend that the outsourcing of parts to China should not take place, due to concerns about human rights. Plans for outsourcing, however, will still go forward.

At the end of Part 2, consider the following on-screen discussion questions:

1. **Should trade be dependent on the human rights practices of a nation?**

   Answers will vary.

2. **What kinds of economic and political issues within the United States may be raised by foreign policy decisions?**

   Conflicts over the use of tariffs versus open trade are not uncommon. Politically, trade sanctions and embargoes are sometimes used to establish an economic barrier between the United States and an adversary.

3. **What U.S. foreign policy decisions have resulted in economic tensions in this country?**

   Conflicts with Japan over the use of tariffs, as well as the effect that conflicts with countries in the Middle East have had upon America's consumption of oil, have produced economic disputes in the United States.

4. **What U.S. foreign policy decisions have resulted in political tensions in this country?**

   When apartheid dominated life in South Africa, there were political debates in the United States concerning whether or not trade sanctions offered the best hope of encouraging reforms in that nation.

If there is sufficient time, consider the following questions in addition to those presented on-screen:

- * **Should the United States adopt a "protectionist" or a "free trade" economic policy?**
- * **Concerning nations where human rights violations are not uncommon, is it better to isolate that country economically by imposing an embargo or to use open trade as an avenue to encourage reform?**

DAY 3

Civics Live

Open by informing the class that it is not unusual for American companies to import from and export to a variety of foreign nations. To illustrate this point, refer to the diagram entitled "Where an F-16 Falcon Fighter-Bomber Is Built," which is in the student portfolio.

After this introduction, have the students report on the information they collected by using the worksheet entitled "Profile of a Local Company," which was assigned on Day 1 of this unit. The nations with which local companies do business can be listed on the chalkboard.

Use either a computer or printed resources, such as an encyclopedia, to identify the type of government that exists in each of these foreign countries, as well as any other information pertaining to the recognition of civil and political rights in these nations. For closure, ask the class if the United States should allow American companies to conduct business with nations that do not practice representative government. Would it be unrealistic, or even detrimental to America's economic interests, to adopt such a policy?

As an alternative, ask students (individually or in groups) to develop detailed position papers on the relationship between foreign trade and human rights (as was the issue in the video). Refer students to the "Political Sites" found in the Civics at Work Internet Resources.

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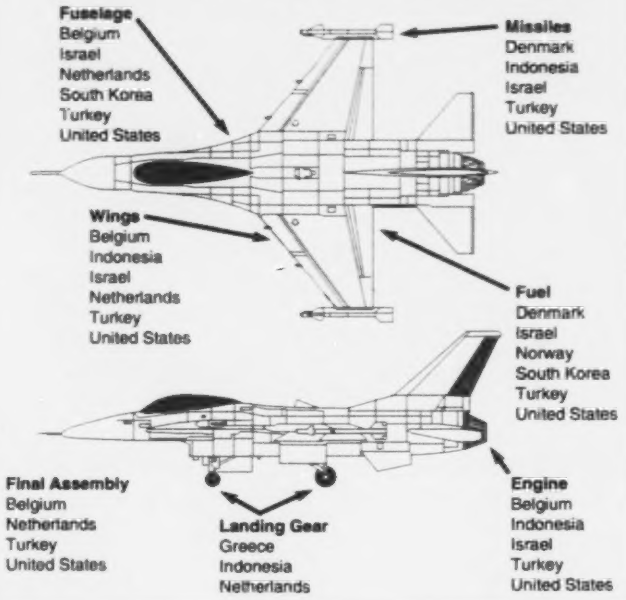
Where an F-16 Falcon Fighter-Bomber Is Built


Fuselage
Belgium
Israel
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South Korea
Turkey
United States
Missiles
Denmark
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Wings
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Israel
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Turkey
United States
Fuel
Denmark
Israel
Norway
South Korea
Turkey
United States
Final Assembly
Belgium
Netherlands
Turkey
United States
Landing Gear
Greece
Indonesia
Netherlands
Engine
Belgium
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Israel
Turkey
United States

TECHNOLOGY-BASED RESEARCH ACTIVITY

Arrange computer-lab time for the purpose of using Volume II, Segment 8 from the CD-ROM entitled *U.S. Government: The First 200 Years*. This segment concludes the discussion of U.S. government for the years 1901 to 1945. Ask individual or small groups of students to select Feature Presentation 8 from the "Contents" pull-down menu. As they view the material, have the students select one or more of the following activities:

1. Note and develop a report on CD-ROM content that provides a historical foun-

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dation for concepts illustrated in the video for this unit. Students may wish to use a computer-based device, such as a "notepad" feature, for developing their report.

2. **Have the students locate one or more pictures or graphics from the presentations that represent the concepts emphasized in this unit. These images can be printed and used to create a collage as a unit project. A brief narrative can be required to describe the relevance of the pictures. (Note: A color printer is preferred for this activity. Pictures can be printed after clicking on the large magnifying-glass button found in the upper right-hand corner of the viewing area.)**

3. **Develop a one-page report to capsulize the historical development of U.S. government as presented in the segments studied.**

4. **Select a concept or person from the segments and develop a brief research report using the CD-ROM-based resources (e.g., encyclopedia, search function) and outside resources (e.g., library, Internet).**

Note: For tips on the use of the CD-ROM with the entire class, see page 7 of the CD-ROM User's Guide, which is located in the cover of the CD-ROM case.

DAY 6

CIVICS AT WORK

Inform the class that they will do a simulation that requires role playing and the "transformation" of the classroom into the annual stockholders meeting for a multinational corporation. This hypothetical company has enjoyed record profits during the past year. However, the stockholders are aware that the company currently imports parts, at a relatively low cost, from a foreign nation that is guilty of serious violations of human rights.

Begin the simulation by having the class elect a student to act as the chairperson of the company's board of directors. The chairperson will moderate this meeting. One-third of the class should be designated as stockholders who intend to present a motion that the corporation suspend the importation of any products from the nation in question. One-third of the class should be designated as stockholders who favor the continuation of trade with this country, because the parts would be much more expensive if they were imported from any other nation or manufactured in the United States. The final third of the class should be designated as stockholders who are presently undecided on this issue.

Allow the three groups a brief period of time to formulate statements and/or questions for the impending stockholders meeting. Alternatively, the groups may be given the assignment of researching their positions, using the "Political Sites" found in the Civics at Work Internet Resources.

At the close of this simulated meeting, have the stockholders vote on whether or not the company should continue doing business with the foreign nation that engages in human rights violations. For closure, discuss whether or not American stockholders have a responsibility to attempt to influence the domestic policies of a foreign government. Also ask whether trading with such countries ultimately brings them into the world community, fostering improved economic and human rights conditions.

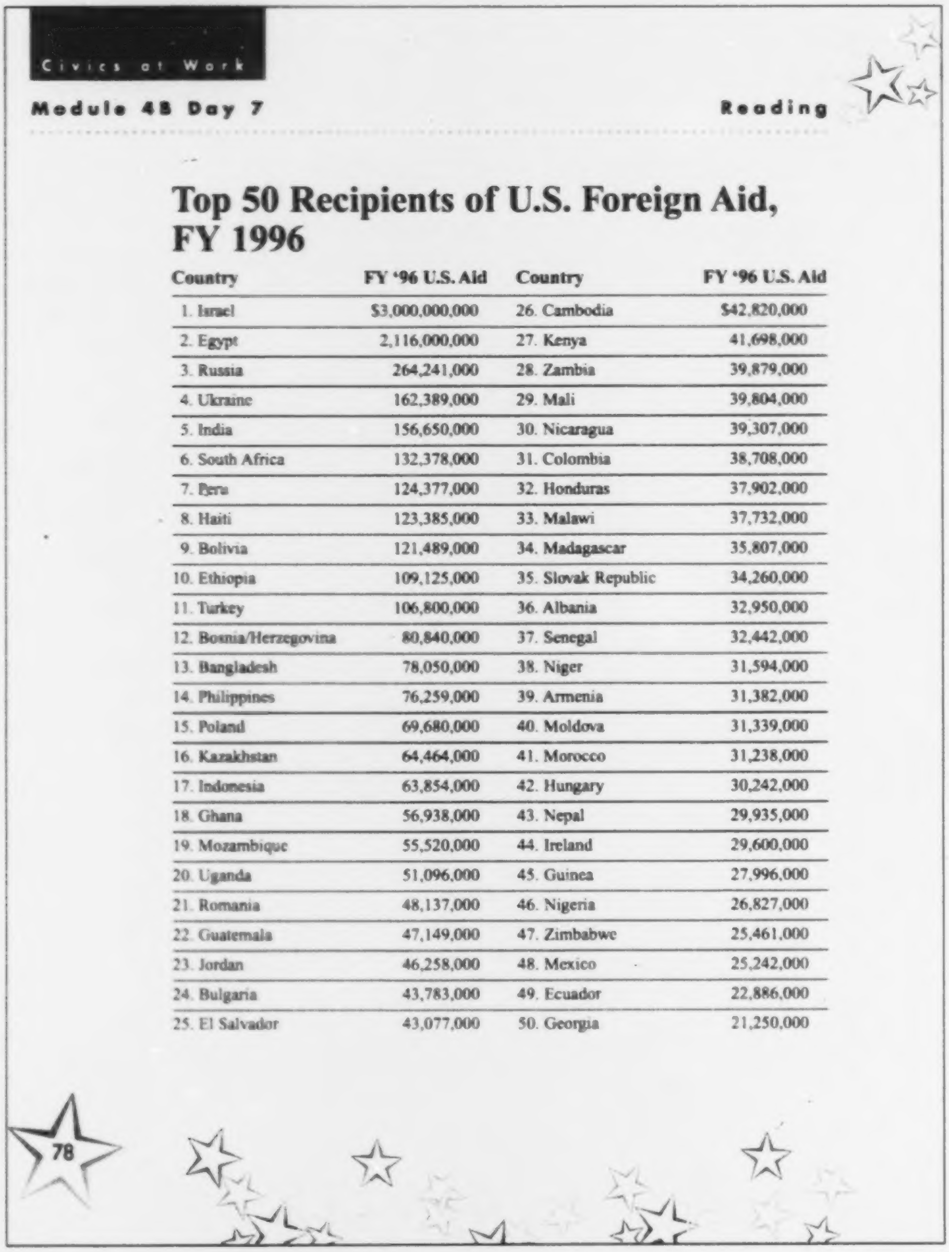
DAY 7 DAY 8

CIVICS FOR REAL

On Day 7, using either computer-based or printed resources, have the students select different nations that receive foreign aid from the United States. The students can be instructed to work individually or in small groups. Once a particular foreign nation has been identified, the students should attempt to discover as much as possible about that country's current standing in the world of nations. The system of government, level of economic development, standard of living, educational system, health care, and other factors should be researched.

In the student resource portfolio is a list of the top 50 recipients of U.S. foreign aid and respective annual amounts for the fiscal year 1996. Students may select nations from this list or select a nation that is not among the top 50 recipients.

On Day 8 have the students report to the class



Civics at Work

Module 4B Day 7 **Reading**

Top 50 Recipients of U.S. Foreign Aid, FY 1996

Country	FY '96 U.S. Aid	Country	FY '96 U.S. Aid
1. Israel	$3,000,000,000	26. Cambodia	$42,820,000
2. Egypt	2,116,000,000	27. Kenya	41,698,000
3. Russia	264,241,000	28. Zambia	39,879,000
4. Ukraine	162,389,000	29. Mali	39,804,000
5. India	156,650,000	30. Nicaragua	39,307,000
6. South Africa	132,378,000	31. Colombia	38,708,000
7. Peru	124,377,000	32. Honduras	37,902,000
8. Haiti	123,385,000	33. Malawi	37,732,000
9. Bolivia	121,489,000	34. Madagascar	35,807,000
10. Ethiopia	109,125,000	35. Slovak Republic	34,260,000
11. Turkey	106,800,000	36. Albania	32,950,000
12. Bosnia/Herzegovina	80,840,000	37. Senegal	32,442,000
13. Bangladesh	78,050,000	38. Niger	31,594,000
14. Philippines	76,259,000	39. Armenia	31,382,000
15. Poland	69,680,000	40. Moldova	31,339,000
16. Kazakhstan	64,464,000	41. Morocco	31,238,000
17. Indonesia	63,854,000	42. Hungary	30,242,000
18. Ghana	56,938,000	43. Nepal	29,935,000
19. Mozambique	55,520,000	44. Ireland	29,600,000
20. Uganda	51,096,000	45. Guinea	27,996,000
21. Romania	48,137,000	46. Nigeria	26,827,000
22. Guatemala	47,149,000	47. Zimbabwe	25,461,000
23. Jordan	46,258,000	48. Mexico	25,242,000
24. Bulgaria	43,783,000	49. Ecuador	22,886,000
25. El Salvador	43,077,000	50. Georgia	21,250,000

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on the information they discovered on the various foreign nations. After all the reports have been delivered, discuss whether or not the research supports the contention that foreign aid has a positive effect on the nations involved. Also ask the class to speculate on the positive effect that foreign aid can have on the United States. For example, does foreign aid help the U.S. economy by increasing trade and opening new markets for American products?

ADDITIONAL RESOURCES

Anderson, Rolf R. *Atlas of the American Economy*. Washington, D.C.: Congressional Quarterly Press, 1994.

Spanier, John. *American Foreign Policy since World War II*. 13th ed. Washington, D.C.: Congressional Quarterly Press, 1995.

MODULE 5:

The roles of the citizen in American democracy

Rights and responsibilities of citizenship

"The principle on which this country was founded and by which it has always been governed is that Americanism is a matter of the mind and heart; Americanism is not, and never was, a matter of race and ancestry. A good American is one who is loyal to this country and to our creed of liberty and democracy."

—Franklin Delano Roosevelt, 1943

CONCEPT KEYWORDS

- citizen
- citizenship
- alien
- naturalization

DAY 1

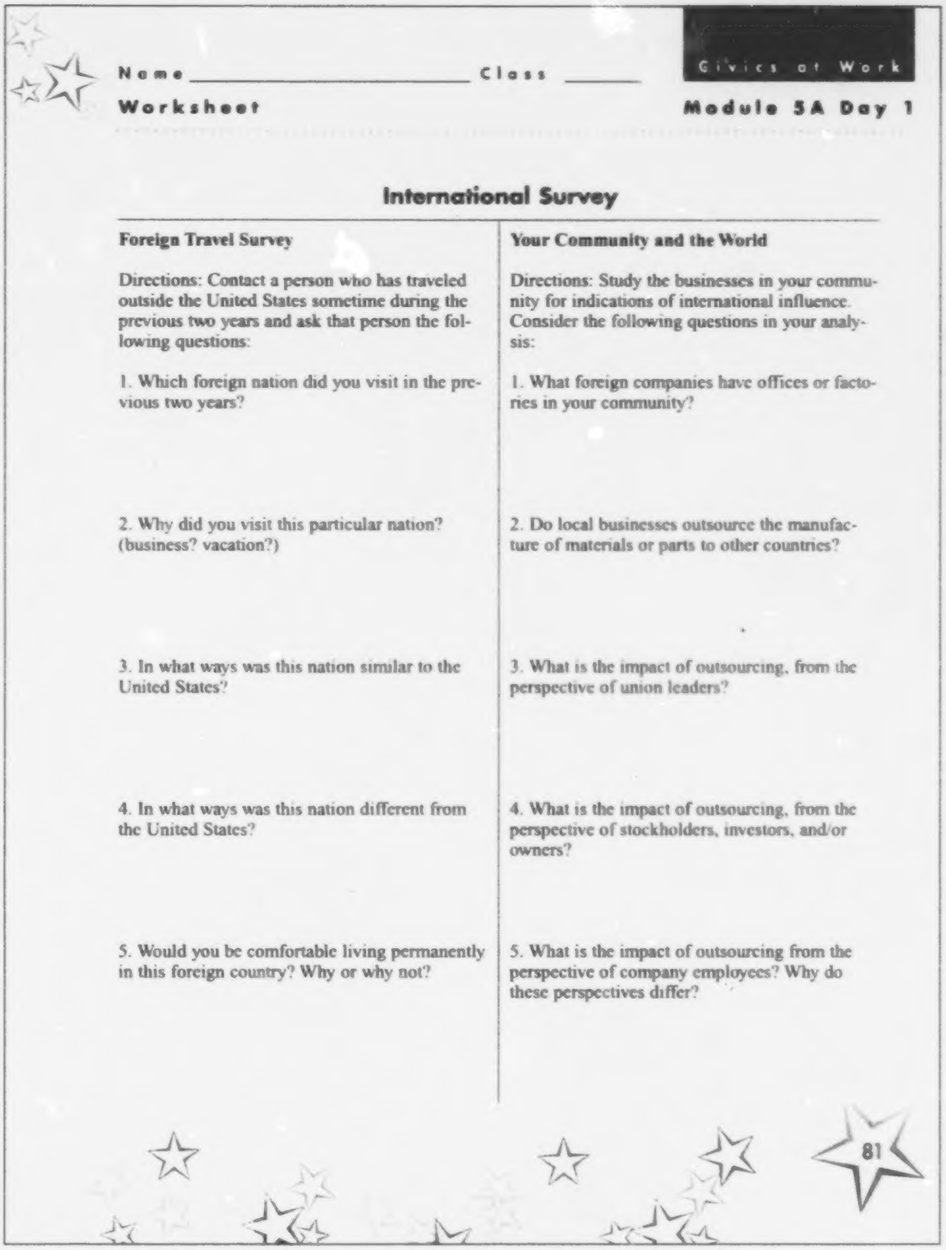
GEARING UP

Begin by asking the class to identify some of the basic rights enjoyed by American citizens. After a list of rights is suggested by the students, emphasize that there are numerous responsibilities that accompany citizenship. Most of these responsibilities, such as voting, are voluntary. However, other obligations, such as obeying laws and paying taxes, are not.

After this introduction, divide the class into small groups and have each group compose a "bill of responsibilities" for American citizens. Tell the groups that this list should include at least ten obligations that they believe constitute the essence of good citizenship. To provide direction, point out that most of the rights that Americans cherish carry equivalent responsibilities. For example, if one feels that the right to a jury trial should be protected, then jury duty can be seen as a corresponding responsibility. Additionally, it could be argued that freedom of the press carries the obligation of practicing responsible journalism and that freedom of religion requires a respect for the religious beliefs held by others. Suggest to the class that it would be helpful to speculate on the responsibilities that correspond to the rights listed in the Bill of Rights (available through the AIT/Civics at Work Home Page on the Internet).

After the groups have composed their lists of important responsibilities, have the class consider the lists they have made to identify which obligations were thought to be the most vital.

Note: Before the end of this class period, refer to the worksheet entitled "International Survey" in the student portfolio. Instruct the students to complete the survey by Day 3 of this unit. Students may elect to complete one or both columns of the survey.



Name ______________________ Class ______

Civics at Work

Worksheet

Module 5A Day 1

International Survey

Foreign Travel Survey

Directions: Contact a person who has traveled outside the United States sometime during the previous two years and ask that person the following questions:

1. Which foreign nation did you visit in the previous two years?

2. Why did you visit this particular nation? (business? vacation?)

3. In what ways was this nation similar to the United States?

4. In what ways was this nation different from the United States?

5. Would you be comfortable living permanently in this foreign country? Why or why not?

Your Community and the World

Directions: Study the businesses in your community for indications of international influence. Consider the following questions in your analysis:

1. What foreign companies have offices or factories in your community?

2. Do local businesses outsource the manufacture of materials or parts to other countries?

3. What is the impact of outsourcing, from the perspective of union leaders?

4. What is the impact of outsourcing, from the perspective of stockholders, investors, and/or owners?

5. What is the impact of outsourcing from the perspective of company employees? Why do these perspectives differ?

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DAY 2

GETTING INVOLVED/ GETTING IT TOGETHER

Refer to the student portfolio and have the students read the printed case study that is provided for this unit. In the narrative, one of the characters, Mei Wuang, is encouraged by Mari, another resident of the apartment building, to formally apply for U.S. citizenship.

After reading Part 1 of the case study, the students are asked to discuss how they would "sell" Mei Wuang on the idea of citizenship. Emphasize that the right to vote and to participate in government are the two fundamental rights that distinguish citizens from noncitizens. Then ask the students if the U.S. Constitution applies to noncitizens in the U.S.

> *Nearly all of the Constitution applies to noncitizens as well as citizens. The term "people" or "persons" is generally used in this document. These references have been interpreted by the courts to be inclusive of "persons" regardless of citizenship status.*

After reading Part 2 of the case study, the class should be divided into small groups. Have each group decide what they could do to demonstrate a willingness to "defend the Constitution." This is one of the stipulations that an applicant agrees to when he or she recites the pledge to become a naturalized citizen of the United States. To help answer this question, have the students read the Preamble to the Constitution (available through the AIT/Civics at Work Home Page on the Internet). The Preamble lists some of the basic principles upon which the government of the United States was established.

For closure, have the various groups report to the class on how they would "defend the Constitution" and discuss what this phrase might mean to someone who was applying for citizenship. As an assignment, ask students to complete the application for naturalization, found in the student resource portfolio.

Case Study—What's the Difference?

Part 1

Mei Wuang, a native of China, has been living and working in the United States as a resident alien for a number of years. Mari, who lives in the same apartment house as Mei Wuang, recently has been encouraging her to become a citizen of the United States. Mei Wuang said that she simply didn't know if it was "worth the trouble" of going through the process of becoming a naturalized citizen.

Mari admitted that she had a similar attitude when she arrived in the U.S., but after working here for a few years she decided that she welcomed the responsibilities that accompany citizenship. Mari asked Mei Wuang if she was aware of these responsibilities. Mei Wuang laughed and responded that, as far as she could tell, responsible citizens are the ones who pay their taxes on time. Mei Wuang didn't hesitate to inform her friend that she was already paying taxes!

Mari was persistent, however, and she emphasized to Mei Wuang that as a citizen she would have the right to vote. Mei Wuang observed that, in reality, most citizens don't vote. Mari was frustrated by Mei Wuang's attitude, and she suggested that she had a great deal to learn if she ever wanted to take the important step of applying for citizenship.

Discussion question: If you were Mari, how would you "sell" Mei Wuang on the idea of citizenship?

Part 2

Despite Mei Wuang's apparent indifference to becoming a citizen, Mari decided to press the point that the right to vote should not be taken for granted, even if many citizens choose to abdicate this responsibility whenever there's an election. She told Mei Wuang that she values the right to vote because she will always remember that when she was a young girl in Guatemala her parents risked their lives to vote in an election. This revelation reminded Mei Wuang that her relatives in China had virtually no voice in government or public affairs.

Mei Wuang apologized to Mari for being so flippant about becoming a citizen, and she asked how the naturalization process works. Mari told Mei Wuang that, because she was over eighteen years of age and had been a lawful resident of the U.S. for more than five years, she was eligible to apply for citizenship. The next step, according to Mari, would be for Mei Wuang to contact the regional office of the Immigration and Naturalization Service and follow the application procedures.

Discussion question:

Individuals who apply for United States citizenship are required to pledge to "defend the Constitution." If called upon to do so, how would you demonstrate a willingness to defend the Constitution?

Assignment:

Remove the naturalization application form N-400 from the student portfolio and complete it. This is the form referred to in the case study.

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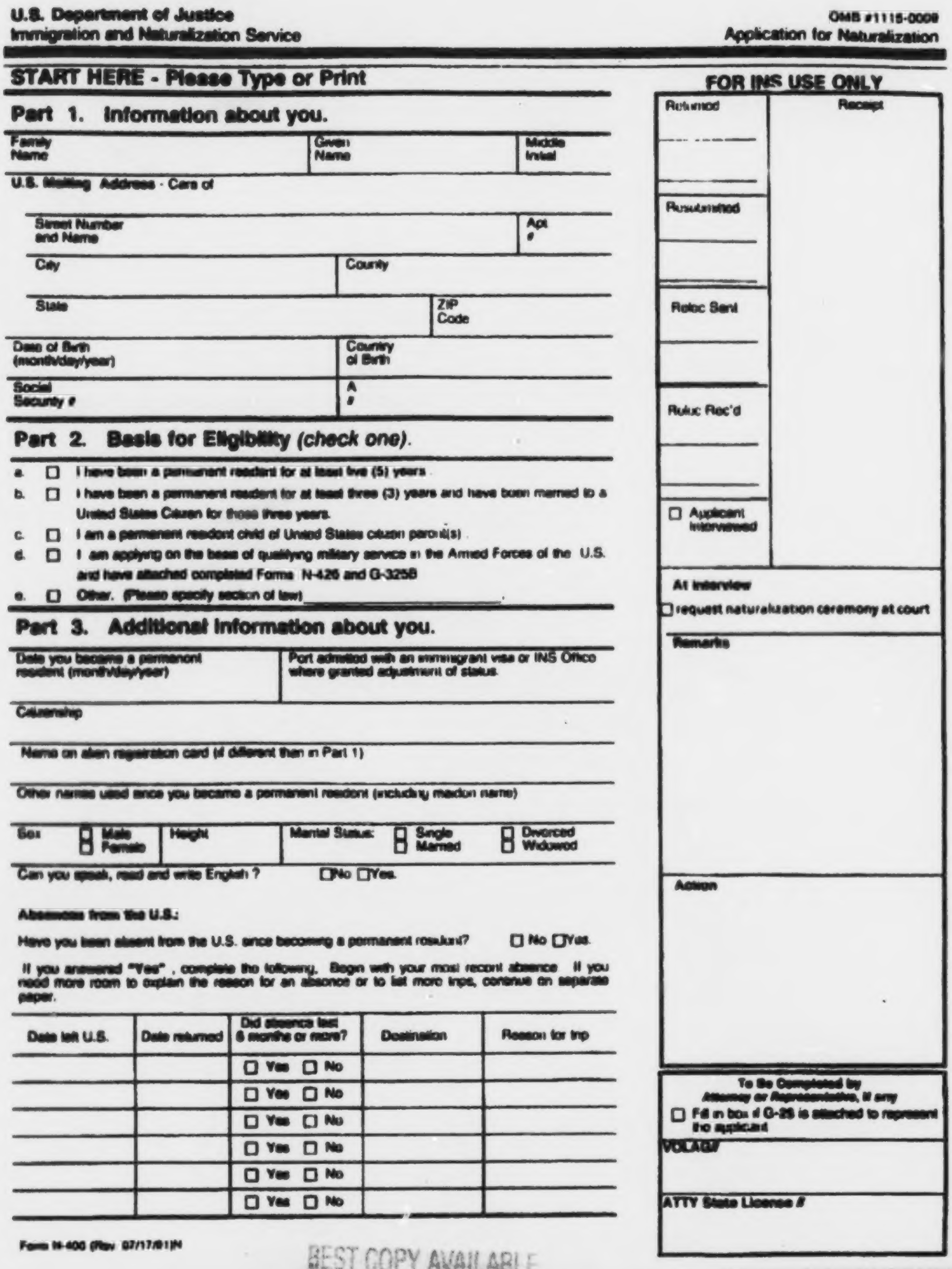
Module 5A Day 2



U.S. Department of Justice
Immigration and Naturalization Service

OMB #1115-0009
Application for Naturalization

START HERE - Please Type or Print

Part 1. Information about you.

Family Name	Given Name	Middle Initial

U.S. Mailing Address - Care of

Street Number and Name	Apt #
City	County
State	ZIP Code
Date of Birth (month/day/year)	Country of Birth
Social Security #	A #

Part 2. Basis for Eligibility *(check one)*.

- a. ☐ I have been a permanent resident for at least five (5) years.
- b. ☐ I have been a permanent resident for at least three (3) years and have been married to a United States Citizen for those three years.
- c. ☐ I am a permanent resident child of United States citizen parent(s).
- d. ☐ I am applying on the basis of qualifying military service in the Armed Forces of the U.S. and have attached completed Forms N-426 and G-325B
- e. ☐ Other. (Please specify section of law)________________________.

Part 3. Additional information about you.

Date you became a permanent resident (month/day/year)	Port admitted with an immigrant visa or INS Office where granted adjustment of status.

Citizenship

Name on alien registration card (if different than in Part 1)

Other names used since you became a permanent resident (including maiden name)

Sex ☐ Male ☐ Female	Height	Marital Status: ☐ Single ☐ Divorced ☐ Married ☐ Widowed

Can you speak, read and write English ? ☐No ☐Yes.

Absences from the U.S.:

Have you been absent from the U.S. since becoming a permanent resident? ☐ No ☐Yes.

If you answered "Yes", complete the following. Begin with your most recent absence. If you need more room to explain the reason for an absence or to list more trips, continue on separate paper.

Date left U.S.	Date returned	Did absence last 6 months or more?	Destination	Reason for trip
		☐ Yes ☐ No		
		☐ Yes ☐ No		
		☐ Yes ☐ No		
		☐ Yes ☐ No		
		☐ Yes ☐ No		
		☐ Yes ☐ No		

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
☐ Applicant Interviewed	

At interview
☐ request naturalization ceremony at court

Remarks

Action

To Be Completed by
Attorney or Representative, if any
☐ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Form N-400 (Rev. 07/17/91)N

Part 4. Information about your residences and employment.

A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper.

Street Number and Name, City, State, Country, and Zip Code	Dates (month/day/year)	
	From	To

B. List your employers during the last five (5) years. List your present or most recent employer first. If none, write "None". If you need more space, continue on separate paper.

Employer's Name	Employer's Address	Dates Employed (month/day/year)		Occupation/position
	Street Name and Number - City, State and ZIP Code	From	To	

Part 5. Information about your marital history.

A. Total number of times you have been married ______ . If you are now married, complete the following regarding your husband or wife.

Family name	Given name	Middle initial
Address		
Date of birth (month/day/year)	Country of birth	Citizenship
Social Security#	A# *(if applicable)*	Immigration status (If not a U.S. citizen)
Naturalization (If applicable) (month/day/year)	Place (City, State)	

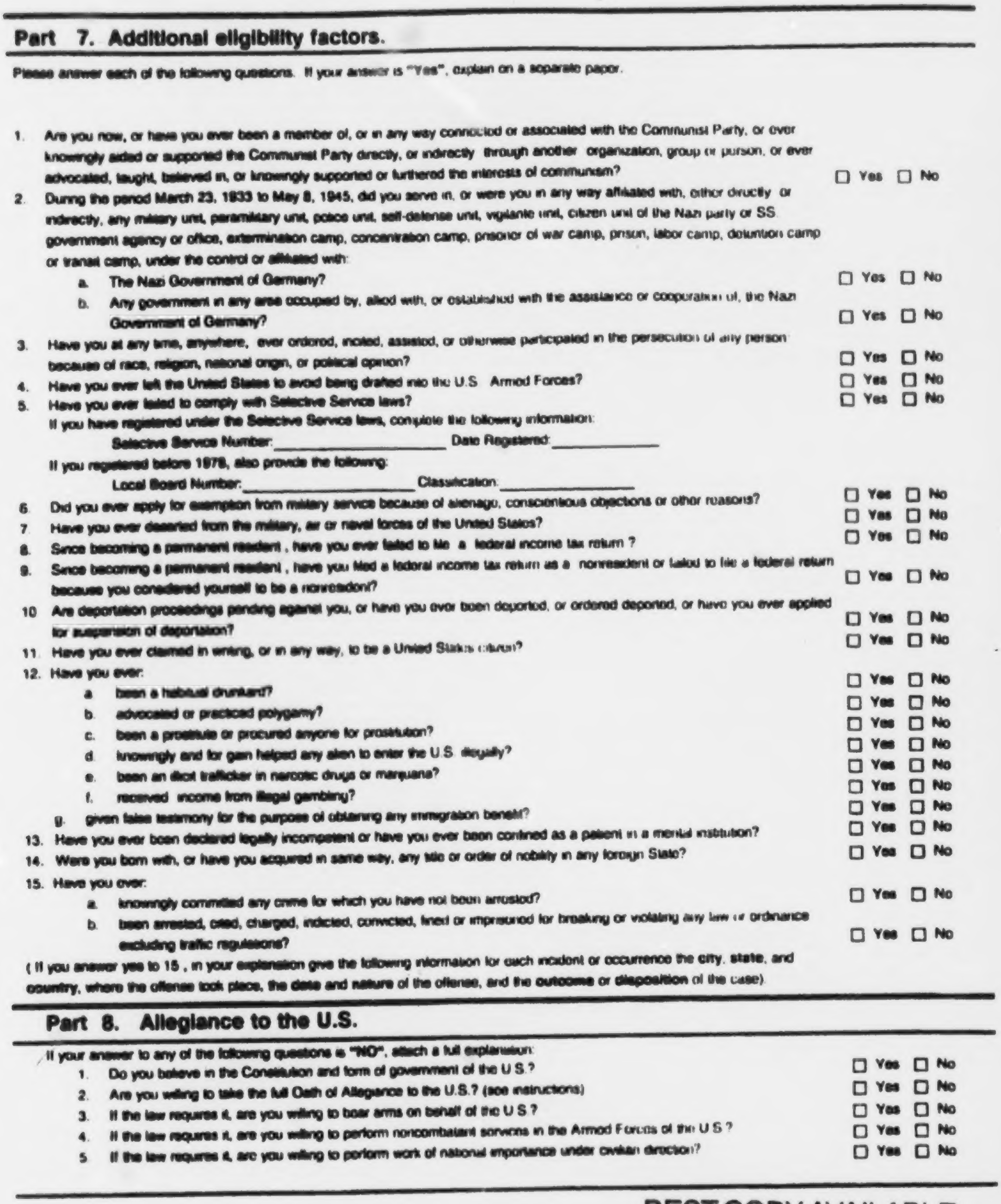
If you have ever previously been married or if your current spouse has been previously married, please provide the following on separate paper: Name of prior spouse, date of marriage, date marriage ended, how marriage ended and immigration status of prior spouse.

Part 6. Information about your children.

B. Total Number of Children ________ . Complete the following information for each of your children. If the child lives with you, state "with me" in the address column; otherwise give city/state/country of child's current residence. If deceased, write "deceased" in the address column. If you need more space, continue on separate paper.

Full name of child	Date of birth	Country of birth	Citizenship	A - Number	Address

Module 5A Day 2



Part 7. Additional eligibility factors.

Please answer each of the following questions. If your answer is "Yes", explain on a separate paper.

1. Are you now, or have you ever been a member of, or in any way connected or associated with the Communist Party, or ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person, or ever advocated, taught, believed in, or knowingly supported or furthered the interests of communism? ☐ Yes ☐ No
2. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit of the Nazi party or SS government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control or affiliated with:
    a. The Nazi Government of Germany? ☐ Yes ☐ No
    b. Any government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany? ☐ Yes ☐ No
3. Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion? ☐ Yes ☐ No
4. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☐ No
5. Have you ever failed to comply with Selective Service laws? ☐ Yes ☐ No

If you have registered under the Selective Service laws, complete the following information:

Selective Service Number:____________________ Date Registered:______________

If you registered before 1978, also provide the following:

Local Board Number:____________________ Classification:________________

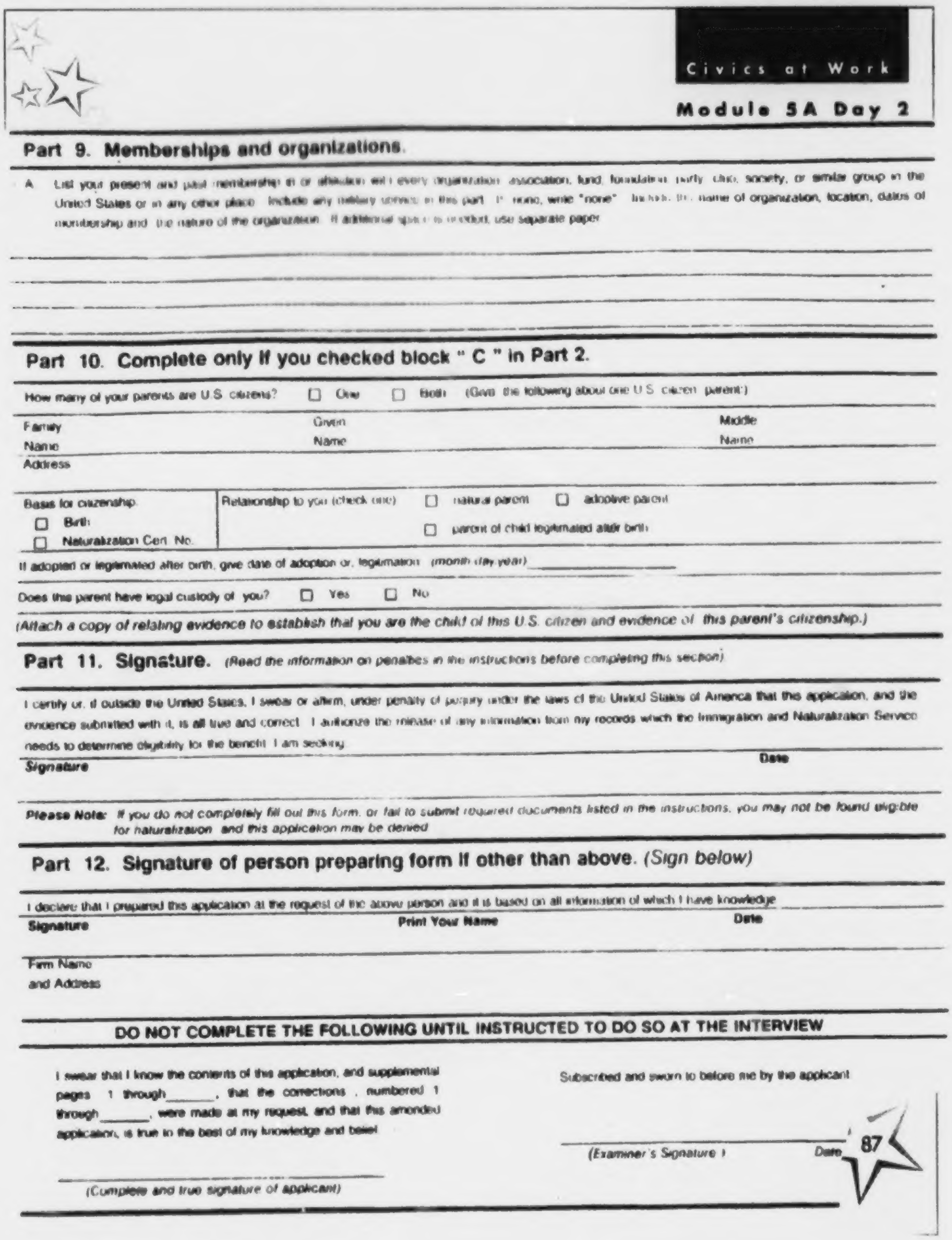
6. Did you ever apply for exemption from military service because of alienage, conscientious objections or other reasons? ☐ Yes ☐ No
7. Have you ever deserted from the military, air or naval forces of the United States? ☐ Yes ☐ No
8. Since becoming a permanent resident, have you ever failed to file a federal income tax return? ☐ Yes ☐ No
9. Since becoming a permanent resident, have you filed a federal income tax return as a nonresident or failed to file a federal return because you considered yourself to be a nonresident? ☐ Yes ☐ No
10. Are deportation proceedings pending against you, or have you ever been deported, or ordered deported, or have you ever applied for suspension of deportation? ☐ Yes ☐ No
11. Have you ever claimed in writing, or in any way, to be a United States citizen? ☐ Yes ☐ No
12. Have you ever:
    a. been a habitual drunkard? ☐ Yes ☐ No
    b. advocated or practiced polygamy? ☐ Yes ☐ No
    c. been a prostitute or procured anyone for prostitution? ☐ Yes ☐ No
    d. knowingly and for gain helped any alien to enter the U.S. illegally? ☐ Yes ☐ No
    e. been an illicit trafficker in narcotic drugs or marijuana? ☐ Yes ☐ No
    f. received income from illegal gambling? ☐ Yes ☐ No
    g. given false testimony for the purpose of obtaining any immigration benefit? ☐ Yes ☐ No
13. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution? ☐ Yes ☐ No
14. Were you born with, or have you acquired in same way, any title or order of nobility in any foreign State? ☐ Yes ☐ No
15. Have you ever:
    a. knowingly committed any crime for which you have not been arrested? ☐ Yes ☐ No
    b. been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations? ☐ Yes ☐ No

(If you answer yes to 15, in your explanation give the following information for each incident or occurrence the **city**, **state**, and **country**, where the offense took place, the **date** and **nature** of the offense, and the **outcome** or **disposition** of the case).

Part 8. Allegiance to the U.S.

If your answer to any of the following questions is "NO", attach a full explanation:

1. Do you believe in the Constitution and form of government of the U.S.? ☐ Yes ☐ No
2. Are you willing to take the full Oath of Allegiance to the U.S.? (see instructions) ☐ Yes ☐ No
3. If the law requires it, are you willing to bear arms on behalf of the U.S.? ☐ Yes ☐ No
4. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the U.S.? ☐ Yes ☐ No
5. If the law requires it, are you willing to perform work of national importance under civilian direction? ☐ Yes ☐ No



Civics at Work

Module 5A Day 2

Part 9. Memberships and organizations.

A. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write "none". Include the name of organization, location, dates of membership and the nature of the organization. If additional space is needed, use separate paper.

Part 10. Complete only if you checked block " C " in Part 2.

How many of your parents are U.S. citizens? ☐ One ☐ Both (Give the following about one U.S. citizen parent:)

Family Name — Given Name — Middle Name

Address

Basis for citizenship:
☐ Birth
☐ Naturalization Cert. No.

Relationship to you (check one): ☐ natural parent ☐ adoptive parent ☐ parent of child legitimated after birth

If adopted or legitimated after birth, give date of adoption or, legitimation: *(month/day/year)* ____________

Does this parent have legal custody of you? ☐ Yes ☐ No

(Attach a copy of relating evidence to establish that you are the child of this U.S. citizen and evidence of this parent's citizenship.)

Part 11. Signature. *(Read the information on penalties in the instructions before completing this section).*

I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature **Date**

Please Note: *If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for naturalization and this application may be denied.*

Part 12. Signature of person preparing form if other than above. *(Sign below)*

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature **Print Your Name** **Date**

Firm Name
and Address

DO NOT COMPLETE THE FOLLOWING UNTIL INSTRUCTED TO DO SO AT THE INTERVIEW

I swear that I know the contents of this application, and supplemental pages 1 through_______, that the corrections, numbered 1 through_______, were made at my request, and that this amended application, is true to the best of my knowledge and belief.

____
(Complete and true signature of applicant)

Subscribed and sworn to before me by the applicant.

____
(Examiner's Signature) *Date*

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Form N-400 (Rev. 07/17/91)N

*U.S. Government Printing Office: 1990 — 387-154/20060

CIVICS LIVE

Begin by having the students report on the results of the "International Survey" that was assigned for this class period.

Foreign Travel Survey
Use the chalkboard to list the various nations that people reported having visited and, if possible, identify the location of these countries on a world map. Tabulate whether the majority of the excursions were

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for business or vacation. Emphasize the degree to which the United States is connected to the rest of the world. Discuss the similarities to and differences from the United States that were recorded in the surveys. Record whether or not the majority of the respondents would be comfortable living in the nation that they visited. Use this final survey question to discuss any rights that individuals noted as being absent in any of the foreign nations that were visited. Also note any responsibilities that citizens are expected to fulfill in any of the foreign nations.

For closure, discuss the advantages of living in the United States that many individuals take for granted. Stress that representative government is not practiced in many of the nations that are regularly visited by Americans and that government by consent of the governed and government instituted to guarantee individual rights are key distinguishing characteristics of American government.

Your Community and the World
Use the chalkboard to list any foreign companies that have offices or factories in the community and companies outsourcing goods to foreign countries. Identify the location of the corresponding countries on a world map. Contrast the number of foreign companies present in the community with the communities presence in other countries (where outsourcing is conducted). Emphasize the degree to which the U.S. is connected to the rest of the world. Discuss the impact of outsourcing on the local economy.

Explore these questions:
Why would a company outsource (have components manufactured overseas)?

Could outsourcing actually save American jobs by keeping manufacturers more competitive?

Why are many labor unions opposed to outsourcing?

Would you be willing to pay much more for products such as autos and computers in order to keep them 100% American made?

TECHNOLOGY-BASED RESEARCH ACTIVITY

Arrange computer-lab time for the purpose of using Volume II, Segments 9 and 10 from the CD-ROM entitled *U.S. Government: The First 200 Years.* These segments provide students an opportunity to explore the final period of U.S. government history covered in this software. Ask individuals or small groups of students to select Feature Presentations 9 and 10 from the "Contents" pull-down menu. As they view the material, have the students select one or more of the following activities:

1. **Note and develop a report on CD-ROM content that provides a historical foundation for concepts illustrated in the printed case study for this unit. Students may wish to use a computer-based device, such as a "notepad" feature, for developing their report.**

2. **Have the students locate one or more pictures or graphics from the presentations that represent the concepts emphasized in this unit. These images can be printed and used to create a collage as a unit project. A brief narrative can be required to describe the relevance of the pictures. (Note: A color printer is preferred for this activity. Pictures can be printed after clicking on the large magnifying-glass button found in the upper right-hand corner of the viewing area.)**

3. **Develop a one-page report to capsulize the historical development of U.S. government as presented in the segments studied.**

4. **Select a concept or person from the segments and develop a brief research report using the CD-ROM-based resources (e.g., encyclopedia, search**

function) and outside resources (e.g., library, Internet).

Note: For tips on the use of the CD-ROM with the entire class, see page 7 of the CD-ROM User's Guide, which is located in the cover of the CD-ROM case.

CIVICS AT WORK

DAY 6

Inform the class that individuals who apply for citizenship in the United States must take an examination to demonstrate knowledge of the history, principles, and government of the United States. Tell the students to imagine that they have been hired by the Immigration and Naturalization Service to compose a new citizenship test.

Divide the class into small groups and have each group construct a brief citizenship test. After this task has been completed, have each group explain its test to the rest of the class. Discuss why it is important for new citizens to have a basic understanding of the history and government of the United States and whether or not it is possible to evaluate a person's commitment to the principles upon which the nation was founded. Have students contrast their questions with those on the sample test found in the student resource portfolio (Day 7).

As an alternative, ask students to research immigration policies and procedures. They may access abundant data on this topic through the U.S. Government Agencies link in the Civics at Work Internet Resources. (Students may be directed for further data to the Justice Department's Legal and Policy Offices link and subsequent links.)

CIVICS FOR REAL

DAY 7 DAY 8

On Day 7 arrange for time in the school library to provide the class with the opportunity to utilize either printed or Internet resources. Divide the class into six groups and assign the following research topics:

Group A—current rules regarding immigration and application for citizenship

Group B—immigration to the United States from 1875 to 1899

Group C—immigration to the United States from 1900 to 1924

Group D—immigration to the United States from 1925 to 1949

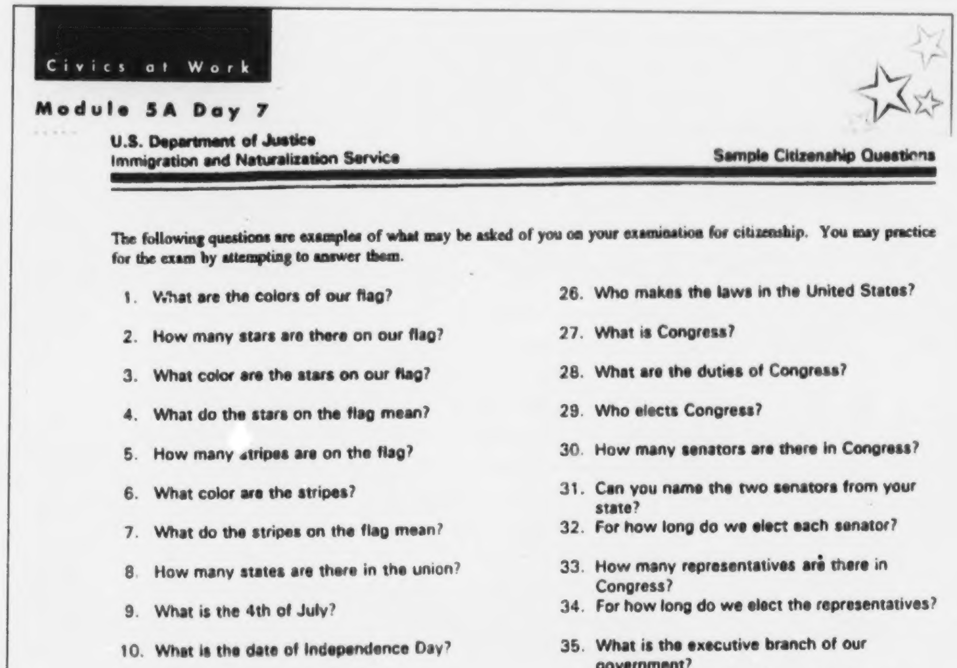
Group E—immigration to the United States from 1950 to 1974

Group F—immigration to the United States from 1975 to the present

Tell Groups B, C, D, E, and F that they should research the number of immigrants who entered the United States, the areas of the world that these immigrants came from, the primary occupations that they filled, laws that affected immigration, and any other pertinent information for their particular time period. (Students using Internet resources may be directed to the U.S. Census Bureau link in the Civics at Work Internet Resources. They will then want to use the search feature and enter the term *historical*.) Ask all students to include in their report a discussion of the Fourteenth Amendment provisions on citizenship and the difference between native birth and naturalization as means to citizenship in the United States.

On Day 8 have each of the six groups report to the class on what they were able to discover about immigration. After all of the groups have reported to the class, discuss the overall impact that immigration has had upon the development of the United States. For closure, discuss whether the number of immigrants admitted to this country now and in the future should be increased, be decreased, or remain about the same.

As alternative, supplemental, or homework activity, ask students to complete the sample citizenship test provided by the U.S. Department of Justice. This document is located in the student resource portfolio. Students will



Civics at Work

Module 5A Day 7

U.S. Department of Justice
Immigration and Naturalization Service

Sample Citizenship Questions

The following questions are examples of what may be asked of you on your examination for citizenship. You may practice for the exam by attempting to answer them.

1. What are the colors of our flag?
2. How many stars are there on our flag?
3. What color are the stars on our flag?
4. What do the stars on the flag mean?
5. How many stripes are on the flag?
6. What color are the stripes?
7. What do the stripes on the flag mean?
8. How many states are there in the union?
9. What is the 4th of July?
10. What is the date of Independence Day?
11. Independence from whom?
12. What country did we fight during the Revolutionary War?
13. Who was the first President of the United States?
14. Who is the President of the United States today?
15. Who is the Vice President of the United States today?
16. Who elects the President of the United States?
17. Who becomes President of the United States if the President should die?
18. For how long do we the elect the President?
19. What is the Constitution?
20. Can the Constitution be changed?
21. What do we call a change to the Constitution?
22. How many changes or amendments are there to the Constitution?
23. How many branches are there in our government?
24. What are the three branches of our government?
25. What is the legislative branch of our government?
26. Who makes the laws in the United States?
27. What is Congress?
28. What are the duties of Congress?
29. Who elects Congress?
30. How many senators are there in Congress?
31. Can you name the two senators from your state?
32. For how long do we elect each senator?
33. How many representatives are there in Congress?
34. For how long do we elect the representatives?
35. What is the executive branch of our government?
36. What is the judiciary branch of our government?
37. What are the duties of the Supreme Court?
38. What is the supreme law of the United States?
39. What is the Bill of Rights?
40. What is the capital of your state?
41. Who is the current governor of your state?
42. Who becomes President of the U.S.A. if the President and Vice President should die?
43. Who is the Chief Justice of the Supreme Court?
44. Can you name the thirteen original states?
45. Who said: "Give me liberty or give me death"?
46. Which countries were our enemies during World War II?
47. What are the 49th and 50th States of the Union?
48. How many terms can a President serve?
49. Who was Martin Luther King, Jr.?
50. Who is the head of your local government?

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(1)

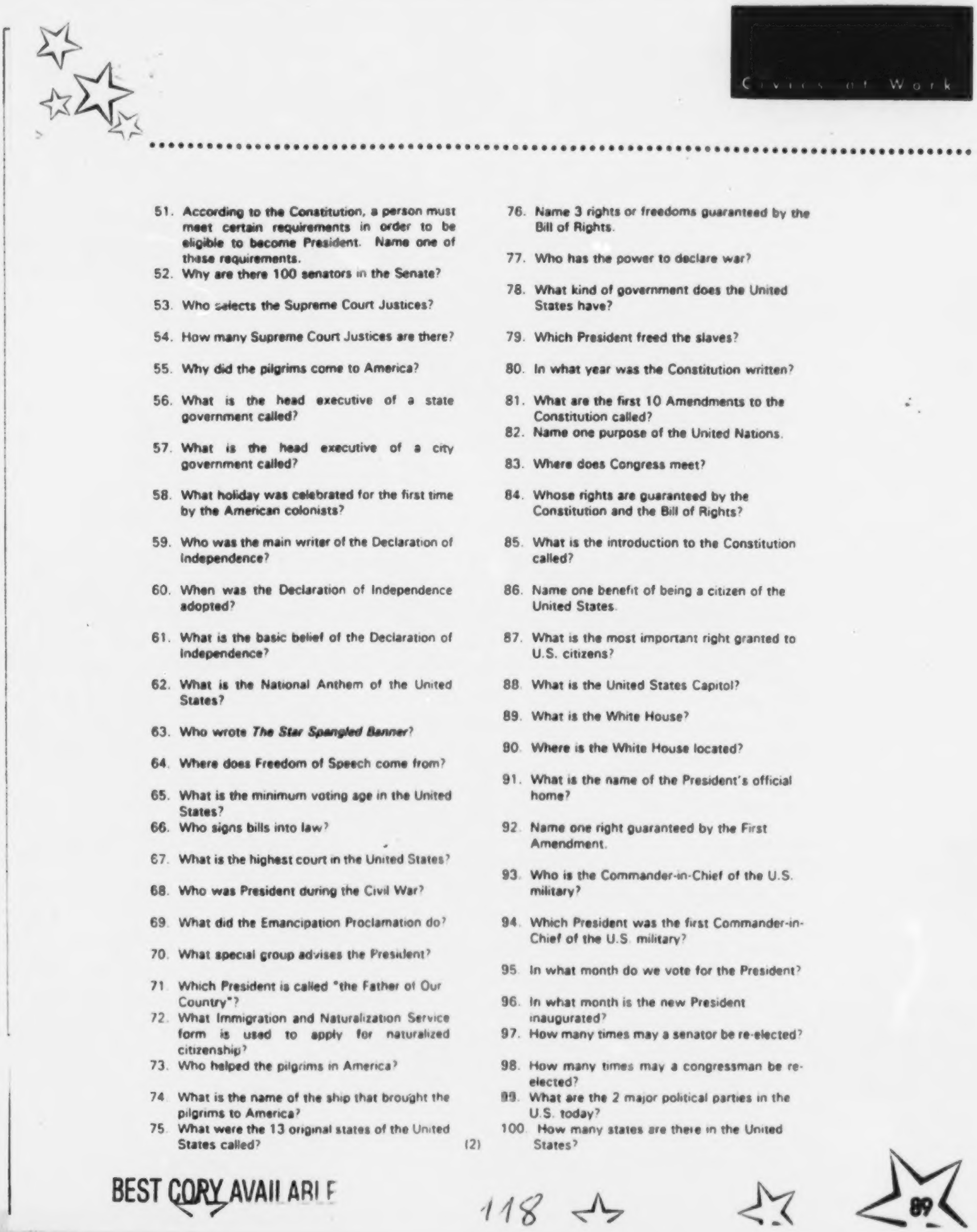
(PLEASE CONTINUE TO NEXT PAGE)

be surprised by the level of difficulty and challenge of many of the 100 questions.

ADDITIONAL RESOURCES

Monk, Linda. *The Bill of Rights: A User's Guide*. Washington, D.C.: Close Up Pub., 1995.

Smith, Duane, et al. *We the People.... The Citizen and the Constitution*. Calabasas, Calif.: Center for Civic Education, 1995, pp. 189–203.



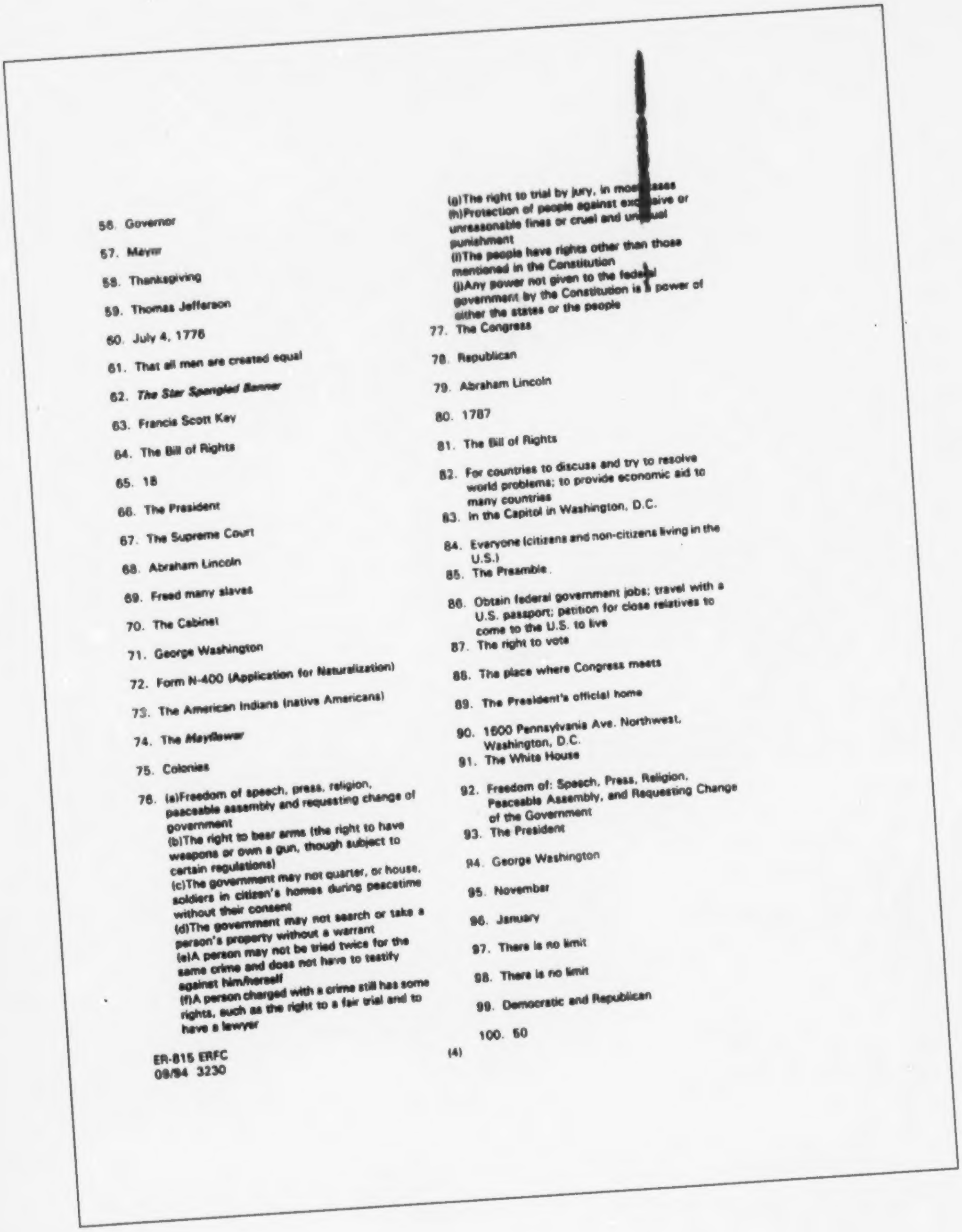
Civics at Work

51. According to the Constitution, a person must meet certain requirements in order to be eligible to become President. Name one of these requirements.
52. Why are there 100 senators in the Senate?
53. Who selects the Supreme Court Justices?
54. How many Supreme Court Justices are there?
55. Why did the pilgrims come to America?
56. What is the head executive of a state government called?
57. What is the head executive of a city government called?
58. What holiday was celebrated for the first time by the American colonists?
59. Who was the main writer of the Declaration of Independence?
60. When was the Declaration of Independence adopted?
61. What is the basic belief of the Declaration of Independence?
62. What is the National Anthem of the United States?
63. Who wrote *The Star Spangled Banner*?
64. Where does Freedom of Speech come from?
65. What is the minimum voting age in the United States?
66. Who signs bills into law?
67. What is the highest court in the United States?
68. Who was President during the Civil War?
69. What did the Emancipation Proclamation do?
70. What special group advises the President?
71. Which President is called "the Father of Our Country"?
72. What Immigration and Naturalization Service form is used to apply for naturalized citizenship?
73. Who helped the pilgrims in America?
74. What is the name of the ship that brought the pilgrims to America?
75. What were the 13 original states of the United States called?
76. Name 3 rights or freedoms guaranteed by the Bill of Rights.
77. Who has the power to declare war?
78. What kind of government does the United States have?
79. Which President freed the slaves?
80. In what year was the Constitution written?
81. What are the first 10 Amendments to the Constitution called?
82. Name one purpose of the United Nations.
83. Where does Congress meet?
84. Whose rights are guaranteed by the Constitution and the Bill of Rights?
85. What is the introduction to the Constitution called?
86. Name one benefit of being a citizen of the United States.
87. What is the most important right granted to U.S. citizens?
88. What is the United States Capitol?
89. What is the White House?
90. Where is the White House located?
91. What is the name of the President's official home?
92. Name one right guaranteed by the First Amendment.
93. Who is the Commander-in-Chief of the U.S. military?
94. Which President was the first Commander-in-Chief of the U.S. military?
95. In what month do we vote for the President?
96. In what month is the new President inaugurated?
97. How many times may a senator be re-elected?
98. How many times may a congressman be re-elected?
99. What are the 2 major political parties in the U.S. today?
100. How many states are there in the United States?

(2)

Here are the correct answers. Match your responses against those given to check your accuracy.

1. Red, white and blue
2. 50
3. White
4. One for each state in the Union
5. 13
6. Red and white
7. They represent the original 13 states
8. 50
9. Independence Day
10. July 4th
11. England
12. England
13. George Washington
14. Bill Clinton
15. Al Gore
16. The Electoral College
17. Vice President
18. Four years
19. The supreme law of the land
20. Yes
21. An amendment
22. 26
23. 3
24. Legislative, executive and judiciary
25. Congress
26. Congress
27. The Senate and the House of Representatives
28. To make laws
29. The people
30. 100
31. (Determine by locality)
32. 6 years
33. 435
34. 2 years
35. The President, Cabinet and departments under the cabinet members
36. The Supreme Court
37. To interpret laws
38. The Constitution
39. The first 10 Amendments of the Constitution
40. (Determine by locality)
41. (Determine by locality)
42. Speaker of the House of Representatives
43. William Rehnquist
44. Connecticut, New Hampshire, New York, New Jersey, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia, Rhode Island, and Maryland
45. Patrick Henry
46. Germany, Italy and Japan
47. Hawaii and Alaska
48. 2
49. A civil rights leader
50. (Determine by locality)
51. Must be a natural-born citizen of the United States; must be at least 35 years old by the time he/she will serve; must have lived in the United States for at least 14 years
52. Two from each state
53. Appointed by the President
54. 9
55. For religious freedom



56. Governor
57. Mayor
58. Thanksgiving
59. Thomas Jefferson
60. July 4, 1776
61. That all men are created equal
62. *The Star Spangled Banner*
63. Francis Scott Key
64. The Bill of Rights
65. 18
66. The President
67. The Supreme Court
68. Abraham Lincoln
69. Freed many slaves
70. The Cabinet
71. George Washington
72. Form N-400 (Application for Naturalization)
73. The American Indians (native Americans)
74. The *Mayflower*
75. Colonies
76. (a)Freedom of speech, press, religion, peaceable assembly and requesting change of government
    (b)The right to bear arms (the right to have weapons or own a gun, though subject to certain regulations)
    (c)The government may not quarter, or house, soldiers in citizen's homes during peacetime without their consent
    (d)The government may not search or take a person's property without a warrant
    (e)A person may not be tried twice for the same crime and does not have to testify against him/herself
    (f)A person charged with a crime still has some rights, such as the right to a fair trial and to have a lawyer
    (g)The right to trial by jury, in most cases
    (h)Protection of people against excessive or unreasonable fines or cruel and unusual punishment
    (i)The people have rights other than those mentioned in the Constitution
    (j)Any power not given to the federal government by the Constitution is a power of either the states or the people
77. The Congress
78. Republican
79. Abraham Lincoln
80. 1787
81. The Bill of Rights
82. For countries to discuss and try to resolve world problems; to provide economic aid to many countries
83. In the Capitol in Washington, D.C.
84. Everyone (citizens and non-citizens living in the U.S.)
85. The Preamble.
86. Obtain federal government jobs; travel with a U.S. passport; petition for close relatives to come to the U.S. to live
87. The right to vote
88. The place where Congress meets
89. The President's official home
90. 1600 Pennsylvania Ave. Northwest, Washington, D.C.
91. The White House
92. Freedom of: Speech, Press, Religion, Peaceable Assembly, and Requesting Change of the Government
93. The President
94. George Washington
95. November
96. January
97. There is no limit
98. There is no limit
99. Democratic and Republican
100. 50

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(4)

MODULE 5:

The roles of the citizen in American democracy

Civil participation

> *"All history bears witness to the fact that there can be no public virtue without private morality. There cannot be good government except in a good society. And there cannot be a good society unless the majority of those in it are at least trying to be good people."*
>
> —Clare Booth Luce, 1978

CONCEPT KEYWORDS

- civic virtue
- takings clause of the Fifth Amendment
- quality of life
- property rights
- freedom of expression

Advance Planning: See Day 6 activities for advance planning needs.

GEARING UP

Begin by asking what the term *civic virtue* means to students. Emphasize that civic virtue requires a dedication to the common good, often at the expense of one's personal interests. Discuss examples of civil participation and community service that belong in this category.

After this introduction, divide the class into small groups and have each group compose a survey with questions about civil participation and community service. Review the surveys with each group.

Tell the class that they are to use these surveys to collect information from five to ten people. The surveys should be completed by Day 3 of this unit. (See Day 3 for details.)

GETTING INVOLVED/ GETTING IT TOGETHER

Introduce the video by referring to the Fifth Amendment to the U.S. Constitution (available through the AIT Civics at Work Home Page on the Internet). Have the students read the final section of the Fifth Amendment, which states that people cannot "be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation." Answer any questions that the students might have about the meaning of the passage and then inform them that they are going to view a videotape that will illustrate these principles. This video is divided into three abbreviated vignettes, with on-screen discussion questions provided at the end of each segment. Pause the videotape to discuss these questions with the class.

VIDEOTAPE DESCRIPTION

Part 1

In this segment, Mari, while at her job with the city's water-treatment facilities, receives a phone call from an irate citizen who, as Mari later relates to one of her co-workers, fears that her "quality of life" is threatened by the water that she drinks. The co-worker, Chuck, reasons that the city follows more laws and regulations than ever before. Wastewater at sanitation facilities is carefully monitored, and the drinking water is tested on a regular basis.

Mari and Chuck agree that the responsibility for maintaining a clean environment has to be shared by the government and individual citizens. Chuck thinks citizens can help improve the quality of life by avoiding polluting the water in the first place. Both believe that regulations should be enforced but also that individuals must take responsibility for their own actions.

Discuss the following on-screen questions with the class:

1. **In this situation what responsibility should the government have in assuring quality of life?**

   Answers will vary.

2. **What role should citizens have in assuring quality of life?**

   Emphasize that there is a need for an appropriate balance between government controls and citizen responsibility.

* **As a follow-up question, ask how this section of the video is related to the Fifth Amendment section read earlier.**

This issue relates to life (quality of).

Part 2

Sara, Mei Wuang, and Shawna are "surfing" the Internet, when they suddenly discover that a site they normally visit is closed as a result of government controls on Internet content. They discuss whether the government has a right to interfere with Internet content, and two positions emerge from this conversation. On the one hand, government interference is seen as an infringement on liberty and freedom of expression. On the other hand, it's argued that government control is necessary to protect children.

Discuss the following on-screen questions with the class:

1. **In what ways might technology be beneficial or detrimental to participation in democracy?**

   Answers will vary.

2. **Should the government place restrictions on technologies of today and tomorrow that may limit liberty (particularly freedom of expression)?**

   Answers will vary.

3. **In what ways should Internet users discipline themselves in the interest of liberty?**

   Emphasize the need for a balance between liberty and order. The Internet can facilitate the exchange of ideas that is necessary to have an informed citizenry. Conversely, if Internet users fail to act in a responsible *manner, the government is required to act to protect children and to maintain order.*

- **As a follow-up question, ask how this relates to the Fifth Amendment section read earlier.**

  This issue relates to one's liberty.

Part 3

Mike and a city building engineer are reviewing plans for the new garage that Mike wants to build for the tenants of his apartment house. The city is building a new fire station near Mike's house, and there will be restrictions on street parking. The tenants have offered to pay additional rent because they want the security that a garage will provide. The engineer informs Mike that his plans are acceptable, but the city is unlikely to approve the proposal, because the land will probably be required by the city for the fire station.

Mike is outraged that, not only can the city deny his proposal, it can even take his property. The engineer explains that, as long as the city acts for the common good, such a "taking," known as the power of eminent domain, requires only that the property owner be fairly compensated. Mike shares the details of this encounter with his tenants, and they discuss whether or not the government should be able to take private property for public use.

Discuss the following on-screen questions with the class:

1. **Should the government have the right to limit the use of personal property or "take" personal property for public purposes?**

   Answers will vary.

2. **In what ways does "taking" compromise a citizen's right to property?**

   Answers will vary.

3. **What kinds of "takings" may occur in the future as our environment and community needs evolve?**

   Refer to the "takings clause" of the Fifth Amendment. The amendment not only requires just compensation, it states that there must be due process of law. This provision mandates fairness; it provides the property owner with the opportunity to challenge any such taking in court. If the taking is allowed, the property owner is entitled to receive the "fair market value" for his or her property. This is an important protection, but even the fair market value may fall short of the cost to relocate and rebuild. Emphasize that an individual's right of property has to be balanced with the government's obligation to promote the common good.

- **As a follow-up question, ask how this issue is related to the Fifth Amendment section read earlier.**

  This issue relates to one's property rights.

If there is sufficient time, ask the students to suggest other situations that would justify the taking of private property, such as the construction of a hospital or a major highway. The determining factor is whether or not the potential good for the community outweighs the need to protect the individual's right of property.

CIVICS LIVE

Have the groups that were designated on Day 1 of this unit reassemble. The groups should compile the results of their respective surveys on civil participation and community service. After the groups have completed this task, have them report to the class and discuss what the surveys reveal about civic virtue in the local community.

If there is sufficient time, discuss why civic virtue is a key ingredient in the survival of a republic such as the United States. Also, discuss ways to encourage civic involvement in both the community and at school. Emphasize that when the framers of the Constitution developed the system of government that still prevails in the United States, they recognized that the form of government they had created was an "experiment" that would last only as long as the citizens practiced civic virtue.

TECHNOLOGY-BASED RESEARCH ACTIVITY

Arrange computer-lab time for the purpose of using Volume II, Segments 11 and 12 from the CD-ROM entitled *U.S. Government: The First 200 Years*. These segments bring closure to U.S. government history that the students have actively engaged in throughout this curriculum. Ask individuals or small groups of students to select Feature Presentations 11 and 12 from the "Contents" pull-down menu. As they view the material, have the students select one or more of the following activities:

1. **Note and develop a report on CD-ROM content that provides a historical foundation for concepts illustrated in the printed case study for this unit. Students may wish to use a computer-based device, such as a "notepad" feature, for developing their report.**

2. **Have the students locate one or more pictures or graphics from the presentations that represent the concepts emphasized in this unit. These images can be printed and used to create a collage as a unit project. A brief narrative can be required to describe the relevance of the pictures. (Note: A color printer is preferred for this activity. Pictures can be printed after clicking on the large magnifying-glass button found in the upper right-hand corner of the viewing area.)**

3. **Develop a one-page report to the historical development of U.S. government as presented in the segments studied.**

4. **Select a concept or person from the segments and develop a brief research report using the CD-ROM-based resources (e.g., encyclopedia, search function) and outside resources (e.g., library, Internet).**

5. **Ask students to select and take the CD-ROM quiz (or one or more of its segments), accessed by selecting the "Contents" pull-down menu, then selecting "quizzes." The first selection on the quiz menu is the full quiz (108 questions), covering the entire CD-ROM volume. Those that follow (i.e., segments 2–12) represent smaller, individual segment quizzes. All quizzes can be "customized" with respect to the number of questions and time allowed. (See the User's Guide included in the CD-ROM jewel box for details.)**

Note: For tips on the use of the CD-ROM with the entire class, see page 7 of the CD-ROM User's Guide, which is located in the cover of the CD-ROM case.

CIVICS AT WORK

Arrange for a panel of speakers from the local business community to attend class. Ask each of these guest speakers to describe the ways in which their company or business is involved in the civic life of the community. Allow the students to ask questions of the members of the panel about the way they attempt to incorporate civic virtue into the operation of their business. You may want to have students prepare questions in advance, then screen them and/or deliver them to the speaker(s). These questions can be used to initiate the discussion and will probably lead to other, spontaneous, queries from the students.

As an alternative, ask students to visit selected "Civics Sites" and "Political Sites" in the Civics at Work Internet Resources, for the purpose of selecting an idea for personal civic participation. The best sites for such prompting include the Civics Primer, Civic Network, Heritage Foundation, and the Brookings Institution. Ask students to prepare a brief "personal plan for civic participation" based on their analysis. (This activity may be integrated with Days 7–8 activities.)

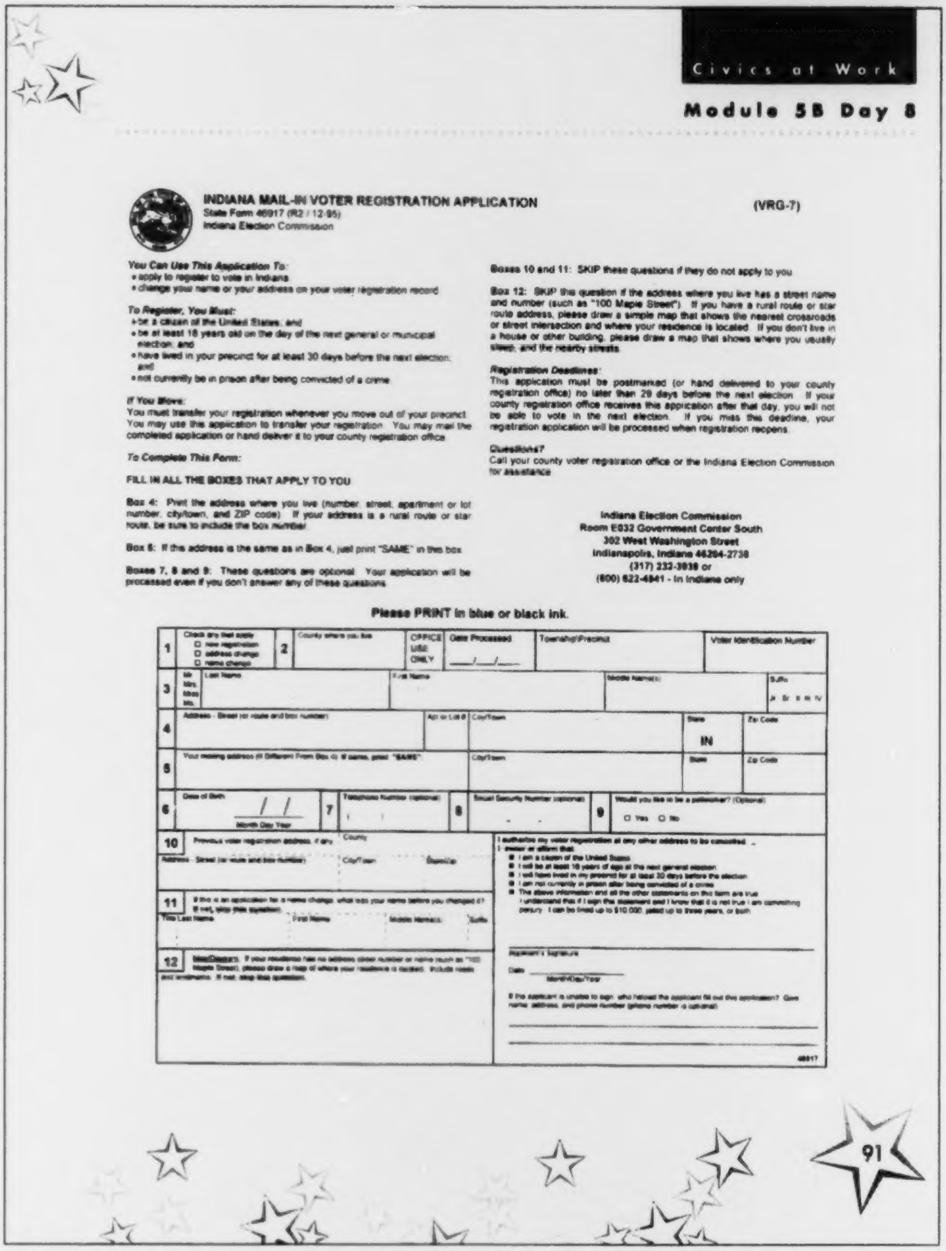
CIVICS FOR REAL

On Day 7 inform the class President John F. Kennedy concluded his inaugural address in 1961 by challenging Americans to "ask not what your country can do for you, ask what you can do for your country." Briefly discuss how Kennedy's challenge was a call for a greater sense of civic virtue. Ask students for examples of how they have, in the past, responded to this challenge.

Following this introduction, instruct the students to write an essay on what they can do for the common good of the nation in the years ahead. Suggest to the students that they should try to incorporate all the key principles contained in the various units that were covered during the semester.

On Day 8 ask for volunteers to read their essays. Discuss the various ways in which citizens can serve the common good by practicing civic virtue. If possible, use this discussion to review the important concepts that were covered during the semester.

In order to illustrate the ease with which citizens may begin to participate in government, instruct students to complete the sample voter registration form found in their resource portfolio.



INDIANA MAIL-IN VOTER REGISTRATION APPLICATION **(VRG-7)**
State Form 46917 (R2 / 12-95)
Indiana Election Commission

You Can Use This Application To:
- apply to register to vote in Indiana
- change your name or your address on your voter registration record

To Register, You Must:
- be a citizen of the United States; and
- be at least 18 years old on the day of the next general or municipal election; and
- have lived in your precinct for at least 30 days before the next election; and
- not currently be in prison after being convicted of a crime

If You Move:
You must transfer your registration whenever you move out of your precinct. You may use this application to transfer your registration. You may mail the completed application or hand deliver it to your county registration office.

To Complete This Form:

FILL IN ALL THE BOXES THAT APPLY TO YOU

Box 4: Print the address where you live (number, street, apartment or lot number, city/town, and ZIP code). If your address is a rural route or star route, be sure to include the box number.

Box 5: If this address is the same as in Box 4, just print "SAME" in this box.

Boxes 7, 8 and 9: These questions are optional. Your application will be processed even if you don't answer any of these questions.

Boxes 10 and 11: SKIP these questions if they do not apply to you.

Box 12: SKIP this question if the address where you live has a street name and number (such as "100 Maple Street"). If you have a rural route or star route address, please draw a simple map that shows the nearest crossroads or street intersection and where your residence is located. If you don't live in a house or other building, please draw a map that shows where you usually sleep, and the nearby streets.

Registration Deadlines:
This application must be postmarked (or hand delivered to your county registration office) no later than 29 days before the next election. If your county registration office receives this application after that day, you will not be able to vote in the next election. If you miss this deadline, your registration application will be processed when registration reopens.

Questions?
Call your county voter registration office or the Indiana Election Commission for assistance.

Indiana Election Commission
Room E032 Government Center South
302 West Washington Street
Indianapolis, Indiana 46204-2738
(317) 232-3938 or
(800) 622-4941 - In Indiana only

Please PRINT in blue or black ink.

1 Check any that apply ☐ new registration ☐ address change ☐ name change
2 County where you live
OFFICE USE ONLY: Date Processed __/__/__ | Township/Precinct | Voter Identification Number
3 Mr. Mrs. Miss Ms. | Last Name | First Name | Middle Name(s) | Suffix Jr Sr II III IV
4 Address - Street (or route and box number) | Apt or Lot # | City/Town | State IN | Zip Code
5 Your mailing address (if Different From Box 4). If same, print "SAME". | City/Town | State | Zip Code
6 Date of Birth __/__/__ Month Day Year
7 Telephone Number (optional) ( )
8 Social Security Number (optional) - -
9 Would you like to be a pollworker? (Optional) ☐ Yes ○ No
10 Previous voter registration address, if any | County | Address - Street (or route and box number) | City/Town | State/Zip
11 If this is an application for a name change, what was your name before you changed it? If not, skip this question. | Title Last Name | First Name | Middle Name(s) | Suffix
12 Map/Diagram: If your residence has no address (street number or name (such as "100 Maple Street"), please draw a map of where your residence is located. Include roads and landmarks. If not, skip this question.

I authorize my voter registration at any other address to be canceled.
I swear or affirm that:
- I am a citizen of the United States
- I will be at least 18 years of age at the next general election
- I will have lived in my precinct for at least 30 days before the election
- I am not currently in prison after being convicted of a crime
- The above information and all the other statements on this form are true. I understand that if I sign this statement and I know that it is not true I am committing perjury. I can be fined up to $10,000, jailed up to three years, or both.

Applicant's Signature

Date ________ Month/Day/Year

If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address, and phone number (phone number is optional).

46917

ADDITIONAL RESOURCES

Conway, M. Margaret. *Political Participation in the United States*. 2d ed. Washington, D.C.: Congressional Quarterly Press, 1991.

Ely, James W., Jr. *The Guardian of Every Other Right: A Constitutional History of Property Rights*. New York: Oxford University Press, 1992.

Freedom of Expression. Program 4 of the AIT video series *The U.S. Constitution*, 1987.

Smith, Duane, et al. *We the People.... The Citizen and the Constitution*. Calabasas, Calif.: Center for Civic Education, 1995, pp. 195–99.

Internet Resources

Internet Sites available by either direct access (using addresses below) or through AIT's home page at: **http://www.ait.net**

CIVICS SITES

Civics Primer
http://gopac.com/civics/civics.html
Includes abundant information on political leaders, current events, campaigning, quotations on current issues, addresses, etc.

Civics Documents
http://www.the-spa.com/constitution/cs_found.htm
Offers links to resources including the U.S. Constitution, the Bill of Rights, Supreme Court decisions, the Federalist Papers, etc.

Inaugural Addresses of the Presidents
http://www.columbia.edu/acis/bartleby/inaugural/
Inaugural addresses from every president since George Washington.

State of the Union Archive
gopher://www.polisci.nwu.edu/
Offers the full text of all State of the Union addresses since Harry Truman's in 1946.

The Presidents of the United States
http://www.whitehouse.gov/WH/glimpse/presidents/html/presidents.html
Provides a brief biographical sketch of each of the presidents.

Vote Watch Congressional Quarterly
http://pathfinder.com/@@sQ@UjwYA*fkjk*yy/CQ/
Provides a vote-tracking site that allows you to follow specific votes by member of Congress, zip code, and all other variations.

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http://www.civic.net/
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The Library of Congress
http://lcweb.loc.gov/homepage/lchp.html
Extensive collection of library resources with easy search capabilities.

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U.S. House of Representatives Home Page
http://www.house.gov/Welcome.html
Includes House news, the legislative process, House committees, legislative schedules, organization of the House, and a directory of representatives by name and state, with e-mail addresses.

U.S. Senate Home Page
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Includes Senate news, committees, history, and a directory of senators by name and state, with e-mail addresses.

White House Home Page
http://www.whitehouse.gov/WH/Welcome.html
Includes information on the president and vice president, guides to various government services, a library of documents, speeches, etc., and news updates.

U.S. Judicial Branch Resources
http://lcweb.loc.gov/global/judiciary.html
Site includes access to Federal Judiciary and Supreme Court information.

U.S. Government Agencies
http://www.lib.lsu.edu/gov/fedgov.html
Provides links to both executive and independent U.S. government agencies.

Bureau of Justice Statistics
http://www.ojp.usdoj.gov/bjs/
Offers information on crime, justice, law enforcement, and the courts from the U.S. Department of Justice.

The Federal Yellow Pages
www.info.gov/Info/html/fed_yellow_pgs.htm
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Klipsan Press
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Publishes reference works on electoral history and politics. Links to national and international reports on elections.

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Textbook Correlation for *Civics at Work*

MODULE	Addison-Wesley Civics (1996)	Glencoe Civics (1996)	Glencoe United States Government (1996)	Prentice Hall Magruder's American Government (1996)	Heath American Government (1995)	Houghton Mifflin Government in America (1996)	Holt American Civics (1996)	Globe Fearon Exploring American Citizenship (1995)
1A Government, Civil Society, and Citizenship	ch. 2	ch. 1	ch. 1, 10	ch. 1-2	ch. 1	ch. 1	ch. 1, 13-15	ch. 1-2
1B Liberty and the Rule of Law	ch. 4, 6	ch. 4	ch. 7	ch. 19	ch. 19	ch. 2	ch. 4	ch. 7
2A Individual Rights and the Common Good	ch. 12, 23	ch. 8, 15	ch. 7, 10-11	ch. 8	ch. 5, 9	ch. 8-9	ch. 11	ch. 6
2B Constitutionalism and Representative Democracy	ch. 5, 22	ch. 2, 7	ch. 3, 8, 9	ch. 3, 5-7	ch. 2, 8	ch. 3, 10	ch. 10	ch. 12
3A Federalism and the Division of Powers	ch. 8-11	ch. 9-13	ch. 4, 13-16, 18-20	ch. 4, 10-14, 18	ch. 3, 11-14	ch. 4, 12-15, 17	ch. 3, 5-9	ch. 15
3B The Right to a Fair Trial	ch. 19	ch. 17	ch. 7	ch. 20-21	ch. 18	ch. 5-7, 18	ch. 16	ch. 32
4A Foreign Policy and National Security	ch. 25	ch. 23	ch. 22	ch. 17	ch. 21	ch. 19	ch. 22	ch. 36, 43
4B Foreign Policy and the Economy	ch. 14, 17, 25	ch. 19, 21, 24	ch. 28-30		ch. 16, 20	ch. 21	ch. 18, 20,	ch. 46
5A Rights and Responsibilities of Citizenship	ch. 3	ch. 5	ch. 5	ch. 15, 21	ch. 18	ch. 16	ch. 15	ch. 1
5B Civil Participation	ch. 23, 26	ch. 15, 16	ch. 7	ch. 20	ch. 24	ch. 22-23	ch. 24-25	ch. 8

CIVICS at Work

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Internet Resources

Internet Sites available by either direct access (using addresses below) or through AIT's home page at: **http://www.ait.net**

CIVICS SITES

Civics Primer
http://gopac.com/civics/civics.html
Includes abundant information on political leaders, current events, campaigning, quotations on current issues, addresses, etc.

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MODULE 1:

What is government and what should it do?

Government, civil society, and citizenship

"That government is best which governs not at all; and when men are prepared for it, that will be the kind of government which they will have."
—Henry David Thoreau, 1849

"Americans of all ages, all stations in life, and all types of disposition are forever forming associations...at the head of any new undertaking, where in France you would find the government or in England some territorial magnate, in the United States you are sure to find an association."
—Alexis de Tocqueville, 1835

"In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."
—James Madison, 1788

RESOURCES

- Day 1, Worksheet
- Day 3, Worksheet, "Cooperative Group Reflection and Goal Setting"
- Day 6, Reading, "Kicking Butts! As Workplaces Clear the Air, Smokers Reshuffle" by Ena Naunton, *Miami Herald*, Oct. 2, 1990

Name ______________________ Class ________

Worksheet **Module 1A Day 1**

What is government?

What is the purpose of government?

What should government do? What should government not do?

1.

2.

3.

4.

5.

Notes:

Name ______________________ **Class** ________ Civics at Work

Worksheet **Module 1A Day 3**

Cooperative Group Reflection and Goal Setting

Evaluate your group on:	Needs improvement	Good	Excellent
Completing the task			
Using time wisely			
Working cooperatively			
Sharing information			

What we did especially well:

What we most need to improve:

Future goals:

Notes:

From the *Miami Herald*
Oct. 2, 1990, pp. 1C.
Reprinted with permission of the Miami Herald.

KICKING BUTTS! As Workplaces Clear the Air, Smokers Reshuffle

by Ena Naunton,
Herald Staff Writer

At 9:30 p.m. on Wednesday, July 11, Diane Herron put out her cigarette and destroyed all the others in a pack she had bought on the way home from work. She hasn't had a cigarette since.

"The next day was D-day," she says. That day WPBT-Channel 2 banned smoking in its North Miami offices. Herron, executive assistant to programming vice president John Felton, credits the TV station's no-smoking policy with motivating her to quit her pack-a-day habit after a decade of smoking, begun when she was 20.

"I'm glad they did it," she says. "I did the majority of my smoking at work." Not everyone agrees. Only two of eight employees who attended a stop-smoking clinic at the TV station actually quit, Herron says.

At Southern Bell's headquarters building, 666 NW 79th Ave., collections representative Therman Howard is not happy about the no-smoking policy that went into effect for 1,000 employees about six months ago.

"The nonsmokers won out," says Howard, 31. To maintain his two-pack-a-day habit, he says, "I have to go out on a balcony or to the parking lot." Smoking is not permitted in the staff cafeteria, which means, he says, that more people cross the street to the Mall of the Americas to eat.

"I resent it," says Howard. "I've been here 12 years; they knew when they hired me that I smoked. Now I have no recourse; it's frustrating." He also feels his productivity has dropped: He used to work through break times; now he takes them in order to smoke.

All over South Florida, employers are making it harder for people to smoke at work—or easier for them to quit altogether.

Cigarette vending machines are being removed from cafeterias and employee lounges; ashtrays are being whisked from public areas—and from office desks.

Smoke no longer wafts through the Miami headquarters of Florida Power & Light. As of Monday, most of the *Miami Herald* building is a no-smoking zone. WPLG-Channel 10's offices on Biscayne Boulevard will follow suit on Oct. 15, and Parkway Regional Medical Center will do so on Nov. 15, which is the American Cancer Society's Great American Smoke-Out Day.

In a just-published survey of 400 of the largest public and private sector employers in Florida, who together have more than a million employees, William Mercer Inc. of Tampa discovered that 52 percent have adopted a smoke-free office environment and 30 percent provide assistance to employees for smoking cessation clinics.

> *"I resent it," says Howard. "I've been here 12 years; they knew when they hired me that I smoked.*

"I've been having a real rush of calls for quit-smoking clinics over the past three or four months," says Marion Raeburn, who has been running the clinics out of Miami's Jackson Memorial Hospital for nearly 13 years. Several television stations, law firms and FPL are among the latest groups signing up, Raeburn says.

"These companies make the decision to go clean air, then they announce it to their employees. They usually give them a three-month leeway and do a survey asking how many want a quit-smoking clinic. In most cases, the company picks up the check, although no one is forced to come."

At *The Herald*, where public areas and open workplaces are now smoke-free, "We plan to have classes into next year, recognizing this is not a short-term kind of thing and that some folk may take a little time to think about it," says John Roberts, vice president for human resources.

The last cigarette machine at *The Herald* was moved from the cafeteria over the weekend, although employees can smoke in designated areas of the cafeteria—and on part of an outdoor balcony. Executives with private offices will be able to smoke until Jan. 1, as long as no visitors object. Although Florida's Clean Indoor Air Act, which was 5 years old Monday, calls upon employers to implement policies regarding designation of smoking and nonsmoking areas, the process has taken time to affect the workplace.

An evolving thing

"It's been an evolving thing," says Cindy Brooks, health enhancement coordinator for the 480 Floridians who work for Av-Med, a health maintenance organization with offices in Dadeland, Orlando, Tampa, Boca Raton and Gainesville. "A lot of our nonsmokers were requesting places where they could go that they would not have to endure the smoke of other employees. That encouraged us to go ahead and do it. We decided a smoke-free environment would be the easiest and best."

A committee of Av-Med employees spent a year developing an acceptable program, Brooks says.

When the no-smoking policy went into effect, May 1, Av-Med had 50 smokers and 258 nonsmokers in its Dadeland offices. Since then, 13 of the smokers have quit with the help of a smoking cessation clinic—"We feel pretty good about that," says Brooks.

Outside smoking

Smokers have to go outside the offices—but not outside a multi-office building—to light up, she says. Nevertheless, "Some people have felt intimidated and that their privacy had been invaded, because they didn't have a choice whether to smoke or not." On the other hand, Brooks says, "A lot of people are finding they are just not smoking as much during the workday."

FPL, which has 15,000 employees around the state, set up a task force to develop a smoke-free environment program, which began its one-year phase-in period on Aug. 1. The headquarters at 9250 W. Flagler St. and offices in Juno Beach were given until Nov. 1 to become smoke-free. Offices in Daytona Beach already are smoke-free. At FPLs nuclear plant at Turkey Point, smoking has always been banned from some areas, by Nuclear Regulatory Commission order. The rest of the plant and the balance of FPL facilities have until Aug. 1 to put the smoke-free program into effect, says spokesman Ray Golden.

In-house clinics

The utility company is offering smokers $50 to cover in-house smoking cessation clinics, or as a donation toward any outside program they prefer to help them quit, Golden says.

Herron, who has worked at WPBT for a year, says the ban on smoking at her desk helped her reduce her smoking even before she started her new smoke-free life in July.

Nevertheless, the old craving still raises its head occasionally: "Smoke still smells awfully good," she says. "I don't really miss it anymore, but if I happen to walk in a path where someone happened to be smoking, I can smell it. And it smells good."

Notes:

MODULE 1:

What is government and what should it do?

Liberty and the rule of law

> *"Wherever Law ends, Tyranny begins."*
>
> —John Locke, 1690

> *"Constitutions are checks upon the hasty action of the majority. They are the self-imposed restraints of a whole people upon a majority of them to secure sober action and a respect for the rights of the minority."*
>
> —William Howard Taft, 1900

RESOURCES

- Day 1, Reading, "Fourth Amendment Cases"
- Day 1, Reading, "Decisions—Fourth Amendment Cases"
- Day 2, Case study, "Part 1—Even the Mayor?"
- Day 2, Case study, "Part 2—The Unsuspecting Suspect"
- Day 3, Reading, "Decision—*New Jersey v. T.L.O.* (1985)"
- Day 7, Reading, "*Vernonia School District v. Acton* (1995)"
- Day 8, Reading, "Decision—*Vernonia School District v. Acton* (1995)"

Fourth Amendment Cases

Case A

Following a tip from an informant, three police officers requested admission to a house to search for a fugitive. The officers did not have a warrant, and the homeowner refused to admit them to her house. The officers then advised their headquarters of the situation and continued surveillance of the house.

Approximately three hours later, four more policemen arrived, and the contingent of officers went to the door of the house. When there was no immediate response to a knock on the door, the police forcibly entered the house. Inside, the homeowner asked to see a warrant, and one of the officers waved a piece of paper that he claimed was a warrant. The homeowner snatched the paper and placed it inside her blouse. After a brief scuffle, the police recovered the alleged warrant, and the homeowner was handcuffed.

The subsequent search of the house failed to produce the fugitive, but obscene printed materials were discovered in a trunk in the basement. The homeowner claimed that the trunk belonged to a former tenant, but she was nonetheless convicted of a violation of a local obscenity law. No warrant was produced at the trial, and the absence of a warrant was not explained by the police.

Upon appeal, the question to be decided was whether or not the evidence should have been presented in court or if this was a violation of the Fourth Amendment's protection against unreasonable searches and the evidence should have been suppressed.

Case B

A veteran police officer, on routine patrol, spotted two "suspicious-looking" men on a street corner where a store was located. The detective, dressed in plain clothes, observed as the two men took turns walking up and down the street to peer into one of the store's windows. After they followed this routine a number of times, a third man joined them on the corner for a brief discussion. The third man then walked down the street and was followed momentarily by the first two men.

The policeman suspected that the men had been "casing" the store to prepare for a robbery. He therefore followed the three men and, after identifying himself as a police officer, asked the men to identify themselves. Their responses were barely audible. The detective then frisked one of the men and discovered a gun in his coat pocket. The other two men were searched in a similar manner, and one of them was also carrying a gun.

Subsequently, the two armed men were convicted of carrying concealed weapons. However, upon appeal, it was argued that the search was unreasonable because they had simply been asked to state their names and were not under arrest when the search was conducted.

The question to be answered is this: Was this a valid search, or was there insufficient probable cause to search the men? If their protection against unreasonable searches had been violated, then the evidence—the handguns—must be suppressed.

Case C

The police received a tip from an informant that a particular group of men was involved in a drug-trafficking operation. The police applied for and secured—primarily on the basis of this information—a search warrant from a local judge to examine a number of residences and vehicles. The searches did produce a significant quantity of drugs, and the individuals involved were eventually convicted as a result of the evidence that was seized by the police.

The convictions were appealed, however, based upon the contention that there had been insufficient probable cause to issue the search warrant and that the evidence obtained as a result of this allegedly faulty warrant should have been suppressed. The prosecution admitted that there had in fact been insufficient probable cause for a warrant, but it was argued that the mistake had been made by the judge, not by the investigating officers. The police, following this line of reason, had operated in "good faith" because the warrant had been issued by a qualified judge and the police had no way of knowing that there was a problem with this technical aspect of the search warrant.

The question to be decided is whether or not evidence obtained in good faith by the police should be allowed as evidence even though the warrant issued by a judge was not valid. Would the admission of such evidence violate the Fourth Amendment's protection against unreasonable searches and seizures?

Case D

The police received a tip that a particular person was selling drugs. The police placed the person's home under surveillance, and they obtained a bag of trash that this individual had placed at the curb to be collected. A warrant had not been issued to conduct a search, but the trash bag did contain paraphernalia associated with drug use. This evidence was used to obtain a search warrant for the house. Drugs were discovered in the house, and the homeowner was eventually convicted of drug trafficking.

Upon appeal, it was argued that the original search of the trash bag was a violation of privacy because it was conducted without the benefit of a search warrant. The state argued that people have virtually no expectation of privacy when they set their trash out to be collected.

The question to be answered is whether or not the warrantless search of the trash bag constituted a violation of the Fourth Amendment's protection against unreasonable searches and seizures. If so, the resulting warrant for the house was invalid, and all the evidence must be suppressed.

Fourth Amendment Cases

DO NOT READ UNTIL INSTRUCTED TO DO SO.

Decisions:

Case A: *Mapp v. Ohio* (1961)
The U.S. Supreme Court, by a 6–3 vote, overturned the conviction. The importance of this particular case was that the Court thereby extended the exclusionary rule to the states. Essentially, this rule mandates that any evidence obtained in violation of the Fourth Amendment's protection against unreasonable searches and seizures must be excluded from court. Prior to the *Mapp* decision, this rule was applied only to proceedings in federal courts.

The process of taking protections that are guaranteed in the Bill of Rights (which originally applied only to the federal government) and applying them to the states is known as selective incorporation. This is possible, in the eyes of the Supreme Court, because the due process clause contained in the Fourteenth Amendment is intended to prevent the states from unfairly infringing upon a person's liberty.

In dissent, Justice Harlan asserted that the majority had "forgotten the sense of judicial restraint." Rather than apply the exclusionary rule to the states, he argued, the states should be allowed to devise their own remedies for unlawful searches. This, Harlan claimed, was necessary for the "preservation of a proper balance between state and federal responsibility."

Case B: *Terry v. Ohio* (1968)
The U.S. Supreme Court, by an 8–1 vote, upheld the conviction. The Court reasoned that "stop-and-frisk" techniques as practiced by the police are reasonable under certain circumstances and therefore not in violation of the Fourth Amendment. Generally, when the police observe unusual behavior that could be reasonably associated with criminal activity, this type of search for weapons is permissible for the protection of the policeman and others who may be in the area. Under these conditions, probable cause is not required to stop and frisk.

The lone dissent, by Justice Douglas, stressed that any search or seizure requires probable cause. In this particular case, he argued, there simply was no probable cause to justify a search for a concealed weapon. Douglas reasoned that a judge would have been precluded from issuing a search warrant in this case. "To give the police greater power than a magistrate," he asserted, "is to take a long step down the totalitarian path."

Case C: *United States v. Leon* (1984)
The U.S. Supreme Court, by a 6–3 vote, upheld the conviction. The Court held that the exclusionary rule does not require the suppression of evidence that was obtained by police officers acting in good faith. This is true even when the source of their good faith, a warrant issued by a judge, later proves to be flawed. Of course, this exception to the exclusionary rule is limited to searches in which there actually is a warrant, albeit a faulty one, that leads to an "honest mistake" by the police.

In dissent, Justice Brennan warned against being "lured by the temptations of expediency into forsaking our commitment to protecting individual liberty and privacy." Brennan disputed the majority's assertion that the "cost" of the exclusionary rule can be "calculated in terms of dropped prosecutions and lost convictions." Brennan cited a study that revealed that only 0.2% of all felony arrests are declined for prosecution due to potential problems with the exclusionary rule.

Case D: *California v. Greenwood* (1988)
The U.S. Supreme Court, by a 6–2 vote, upheld the conviction. The Court reasoned that an individual does not have a reasonable expectation of privacy when placing the trash out for collection. The evidence in this case was judged to have been "in plain view." This concept, which can be applied in a variety of circumstances, holds that a police officer cannot reasonably be expected to divert his attention from incriminating evidence that is clearly visible. Even in the absence of a warrant, evidence obtained in this manner can be presented in court.

A dissent in this case, written by Justice Brennan, compared the opaque, sealed plastic bag to letters and sealed packages that are handled by the post office. Generally, a warrant is required to inspect the contents of a letter or package. In Brennan's opinion, the contents of a trash bag "are not inherently any less private."

Case Study

Part 1—Even the Mayor?

On a brisk evening in March, a squad car pulled up in front of Mike's apartment building. As it came to a screeching halt, Kate jumped out of the car and ran up to the apartment-house front door.

What appeared to be a police emergency at her own residence was simply a late arrival—Kate was meeting Sara and Mei Wuang, who were to accompany her on a "ride-along." Sara was excited about the experience because she wanted to experience law and order firsthand. Her career interest is the legal profession. Mei Wuang was curious about how American police would contrast with those she remembered as a teenager under Communist rule in China. Both wanted to see in person if the law really is applied to all citizens and how the right to individual liberty and society's need for order sometimes clash.

As they got into the squad car, Mei Wuang described examples of totalitarian police behaviors she remembered, such as random stops and searches in her neighborhood and even arrests without cause. Kate reminded Mei Wuang that liberty is a fundamental value and an important individual right, but also that police must have some authority so that ordered liberty can be maintained. Sara asked Kate about the discretion she has in matters such as traffic stops. Her questions suggested a belief that Kate (and other officers) could apply less stringent law and order to certain citizens, such as government officials. Kate explained how the rule of law applies to every citizen… the mayor, the governor, and even the president of the United States, citing the Whitewater investigations and other presidential scandals that became legal issues.

Following some routine patrols and a couple of traffic stops for speeding and disobeying a traffic signal, Kate encountered a highway patrol sobriety checkpoint. As they waited in the short line of cars, she pointed out to Mei Wuang and Sara that this was an example of how the rule of law applies equally to everyone; everyone was getting checked—including the mayor, who happened to be two cars ahead of theirs. Mei Wuang was amazed that a mayor would be stopped and questioned. She explained that police behavior under communism is more arbitrary, in that they would simply pick out who they thought looked suspicious. While in line, Sara questioned whether the sobriety checkpoint was an intrusion on one's liberties. Kate described this inconvenience as a slight infringement on liberty on behalf of order and the common good (i.e., freedom from the hazards of drunk drivers).

Discussion questions:

1. **Why did the mayor have to stop and be questioned?**

2. **Why couldn't the police arbitrarily stop vehicles for sobriety checks?**

3. **Why is it important that the rule of law apply equally to all?**

Part 2—The Unsuspecting Suspect

No sooner had they left the sobriety checkpoint than Kate received a radio call regarding a burglary:

> "All units, be on the lookout for a late-model two-tone blue van leaving the scene of an electronics store burglary. Items taken include a VCR, disc players, TV monitors, and other electronics goods. Witnesses spotted vehicle just as the alarm went off."

After making a couple of "special patrols" of some vacant properties, Kate spotted a blue van with a burned-out taillight. She began to follow the vehicle and radioed ahead for backup before making the stop. As the backup squad pulled up behind her, Kate switched on her emergency lights and siren. The van pulled over to the curb, followed by Kate and the backup squad. As the backup officer held his flashlight on the vehicle, Kate approached the van and noticed a cargo of electronics goods in the back. Kate proceeded toward the driver and mentioned that she had pulled him over because of the burned-out taillight. She obtained the driver's license and went back to her squad car and called for one more backup, as the unsuspecting suspect waited. Two additional squads arrived on the scene, and the driver was arrested as Sara and Mei Wuang watched. Sara asked Kate how the police could search the van without a warrant. Kate explained that search and seizure of an auto can be conducted without a warrant because, otherwise, vehicles would typically be long gone before a warrant could be obtained, and order could not be maintained.

Discussion questions:

1. **How does the rule of law protect individual rights?**

2. **How does the rule of law protect the common good?**

3. **Why is tension between liberty and order inevitable in a democratic society?**

New Jersey v. T.L.O. (1985)

Background and facts:

On March 7, 1980, a teacher at Piscataway High School in New Jersey allegedly discovered two girls smoking in a school lavatory. Smoking was a violation of a school rule, so the two girls were escorted to the office of the assistant principal.

One of the girls was a fourteen-year-old freshman. Due to her status as a minor, she would later be identified by her initials, T.L.O., in court records. When questioned about the incident in the girls' rest room, she claimed that she did not even smoke. The assistant principal responded by demanding to see T.L.O.'s purse. Upon opening the purse, he immediately discovered a pack of cigarettes, which he held before the student as he accused her of having lied about not being a smoker. When the assistant principal removed the cigarettes from the purse, he simultaneously noticed a package of cigarette rolling papers. The high-school administrator felt that a more extensive search of the purse was justified, because rolling papers are commonly used for smoking marijuana. This search of the purse led to the discovery of a small amount of marijuana, a pipe, a number of small plastic bags, and a substantial roll of one-dollar bills. At this point the assistant principal extended the search to a separate zippered compartment of the purse, in which he discovered an index card that listed students who owed T.L.O. money, as well as two letters that further implicated the student in marijuana dealing.

The evidence was submitted to the police, and T.L.O. later confessed to selling marijuana at the high school. As a result, she was classified a delinquent and sentenced to one year's probation. This decision was appealed on the grounds that the assistant principal had conducted an unreasonable search when he rummaged through the student's purse. It was also argued that T.L.O.'s confession to the police was tainted and thus inadmissible due to this allegedly unlawful search.

In *Mapp v. Ohio* (1961) the Supreme Court ruled that evidence obtained in violation of the dictates of the Fourth Amendment should be excluded from proceedings in state courts. In *New Jersey v. T.L.O.* (1985) the Court would have to decide if the search in question violated the student's reasonable expectation of privacy to such an extent that this exclusionary rule would be applicable. In essence, the Supreme Court was being asked to balance liberty and order.

Can a student's reasonable expectation of privacy be balanced with the school official's obligation to maintain an orderly environment where learning can take place? How would you rule in the *T.L.O.* case?

New Jersey v. T.L.O. (1985)

Decision:

The U.S. Supreme Court, by a 6–3 vote, ruled that students in public schools are protected by the Fourth Amendment, but that in this particular case the search of the student's purse was reasonable. The Court reached this conclusion by reasoning that school officials do not have to meet the same standards that are applied to police officers when a search is conducted.

Generally, a search by a police officer, even without a warrant, requires probable cause. Justice Byron White, who wrote the majority opinion in this case, stated that "the legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search." Justice White introduced a "twofold inquiry" that would allow school officials to implement this new "reasonableness" standard. First, White argued, a search is justified at its inception when there are "reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school." Second, once initiated, a search "will be permissible in its scope when the measures adopted are reasonable…and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." Concerning T.L.O., Justice White felt that it was entirely reasonable to open the purse to look for cigarettes and that the simultaneous discovery of rolling papers justified extending the search to discover the marijuana and the other drug-related items.

Justice William Brennan wrote a dissenting opinion in which he objected to the majority's willingness to replace the Fourth Amendment's probable cause standard with "reasonableness," a lower standard. He called the departure from precedent "unclear, unprecedented, and unnecessary." In another dissenting opinion, Justice John Paul Stevens expressed his concern that creating an exemption for public schools from established constitutional principle, namely, the probable cause standard, would in fact be contrary to the values that the nation's educational system should strive to impress upon students. Stevens went so far as to speculate that the majority opinion would endorse "arbitrary methods destructive of personal liberty."

Follow-up questions:

1. **Occasionally, a guilty individual will go free as a result of the exclusionary rule. In light of this fact, should the exclusionary rule continue to be a staple of the American judicial system?**

2. **Is it fair to prohibit conduct in high schools "that would be perfectly permissible if undertaken by an adult," as Justice White observed in his opinion?**

3. **Do you agree with the majority's opinion in this case that school officials can conduct a search when it is simply "reasonable," rather than being held to the higher standard of probable cause that a police officer must follow?**

4. **Would it be "reasonable" to have students pass through a metal detector to enter the school, or would that be an invasion of privacy?**

5. **Do you agree with Justice Stevens that the majority opinion in this case could cause students to lose respect for the law because it was contrary to an established principle?**

Vernonia School District v. Acton (1995)

Background and facts:

In 1989 the local school board in Vernonia, Oregon, a community of about 3,000 people, voted to allow the drug testing of any student who wanted to participate in athletics. The public-school officials had requested the authority to implement a drug-testing program after a significant increase in the number of disciplinary problems at the high school. It was their contention that drug use by many of the school's athletes was central to the overall situation.

Once implemented, the program required all student athletes to supply a urine sample for testing purposes at the beginning of each sport season. Following this initial round of mandatory testing, each week 10 percent of the students involved in each sport were chosen randomly to be retested.

The parents of James Acton, a student in the seventh grade who wanted to play football, refused to allow their son to be tested. James's father stated that he believed that, in the United States, students should not be taught that "they have to prove that they're innocent." The Actons filed a lawsuit contending that the proposed search constituted an unreasonable invasion of privacy in violation of the Fourth Amendment's protection against unreasonable searches and seizures.

Prior to this case, the Supreme Court had voted to allow the government to subject two categories of public employees—railroad workers and federal customs agents—to mandatory drug testing. The lawyer for the school system argued that the drug testing was the only effective way to reduce the problem of drug usage by students. The Supreme Court would have to decide if the proposed drug-testing program was reasonable according to the dictates of the Fourth Amendment.

Vernonia School District v. Acton (1995)

DO NOT READ UNTIL INSTRUCTED TO DO SO

Decision:

The U.S. Supreme Court, by a 6–3 vote, upheld the public-school drug-testing program. The majority opinion was written by Justice Antonin Scalia. Justice Scalia concluded that the program was reasonable within the parameters set by the Fourth Amendment for three main reasons: First, public school officials are generally allowed more control over students than the government is allowed over adults. Second, efforts to reduce drug use by students is a legitimate concern for school officials, and it is reasonable to view student athletes as role models in this context. Third, Scalia argued, the type of drug testing in question required only a "negligible" invasion of privacy. Scalia fortified this last point by suggesting that athletes have a lower expectation of privacy because participation in athletics is voluntary, and athletics have an inherent "element of communal undress."

Justice Sandra Day O'Connor wrote a strong dissent in this case. She emphasized that "individualized suspicion" is normally required to initiate a search. The majority's holding in this case, to the contrary, could be used to justify intrusive searches of scores of students even though the vast majority of those students had not exhibited behavior that would indicate drug use to a reasonable observer.

Notes:

MODULE 2:

Basic values and principles of American democracy

Individual rights and the common good

> *"The Government of the Union, then, is emphatically and truly a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them and for their benefit."*
>
> —John Marshall, 1810

RESOURCES

- Day 1, Reading, Mayflower Compact
- Day 1, Worksheet, "Common Good vs. Individual Right"
- Day 3, Assignment
- Day 6, Reading, "*Employment Division of Oregon vs. Smith* (1990)"
- Day 6, Reading, "Decision: *Employment Division of Oregon vs. Smith* (1990)"
- Day 6, Reading, "New Law Protects Religious Practices" by Peter Steinfels, *New York Times*, Nov. 16, 1993
- Day 6, Reading, "Between a Wing and a Prayer" by Marc Peyser with Sonya Zalubowski, *Newsweek*, Sept. 19, 1994

Mayflower Compact (1620)

We whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, etc.

Having undertaken, for the Glory of God and advancement of the Christian Faith and Honour of our King and Country, a Voyage to plant the First Colony in the Northern Parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, Covenant and Combine ourselves together into a Civil Body Politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions, and Offices, from time to time, as shall be thought meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names at Cape Cod, the 11th of November, in the year of the reign of our Sovereign Lord King James, of England, France, and Ireland, the eighteenth and of Scotland, the fiftyfourth. Anno Domini, 1620.

Notes:

Name ______________________________ Class ________

Worksheet **Module 2A Day 1**

Common Good vs. Individual Right

Issue #1: Random locker searches

Common Good argument:	Individual Right argument:

Issue #2: ______________________________

Common Good argument:	Individual Right argument:

Notes:

Group A

Using library, computer, or Internet resources, research the election process and answer the following questions:

a. What is the difference between a primary and a general election?

b. When is the next general election, and what major offices will be contested?

c. What are the qualifications for registering to vote, and where can a person register in your area?

d. Where are the polling places in your area for the next election?

e. Traditionally, which groups vote in high numbers and which groups fail to vote in high numbers?

Group B

Contact a local newspaper and inquire about the regulations for writing a letter to the editor. Write a letter to the editor regarding a local issue. This letter should show an awareness of the need to balance the common good with a respect for individual rights.

Group C

Identify an issue that is important to the local community and which includes a conflict between the common good and individual rights. Form a consensus opinion or opposing opinions on the issue and convey this message or set of messages to the local government official who will have input on how the conflict will ultimately be decided.

Group D

Identify an issue that will be discussed by a local agency or governmental body. Form a consensus opinion or set of opinions on the issue and convey this information either in writing or in person at a public meeting.

Employment Division of Oregon v. Smith (1990)

Background and facts:

Alfred Smith, a Native American, worked as a counselor for a private drug and alcohol rehabilitation center in Oregon. He was fired from his job, however, after his employer learned that Smith ingested peyote. Peyote is a hallucinogenic drug that is produced by the peyote cactus.

Smith applied for but was denied unemployment benefits by the State of Oregon. The basis for this denial was the fact that Smith had been discharged for criminal behavior because peyote was listed as an illegal drug by the state. Smith challenged the decision of this government agency in court by claiming that his use of peyote was solely for religious purposes. Smith was a member of the Native American Church, which uses peyote as a ceremonial sacrament to induce religious visions. Smith's constitutional claim was founded upon the First Amendment, which prohibits the government from denying the free exercise of religion.

Question: Did the State of Oregon violate the guarantee of free exercise of religion by making the sacramental use of peyote illegal?

Employment Division of Oregon v. Smith (1990)

DO NOT READ UNTIL INSTRUCTED TO DO SO

Decision:

The U.S. Supreme Court, by a 6–3 vote, ruled that a state could outlaw the use of the drug peyote without exception and that this action by a state was not a violation of the First Amendment's guarantee of free exercise of religion.

The majority opinion was written by Justice Antonin Scalia. He reasoned that the state had a legitimate reason to make the drug peyote illegal, that being to prevent the use of drugs and not to persecute anyone for his or her religious beliefs. For Scalia, the law's impact upon religion was "merely the incidental effect" of an otherwise valid statute. The law was neutral on the subject of religion, according to Scalia. He also emphasized that a person's religious beliefs should not excuse that person from obeying a valid and neutral law.

Possibly the greatest impact of the majority opinion in this case will be a result of the fact that the Court abandoned the precedent that required states to demonstrate a "compelling state interest" to enforce a law that infringed upon religious liberty. It was the abandonment of this precedent that was strongly criticized by Justice Sandra Day O'Connor in her dissenting opinion.

New York Times
November 17, 1993

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New Law Protects Religious Practices

By PETER STEINFELS
Special to The New York Times

WASHINGTON, Nov. 16 — President Clinton today signed into law legislation requiring the Government to meet stringent standards before instituting measures that might interfere with religious practices.

The new law, the Religious Freedom Restoration Act, overturns a 1990 Supreme Court ruling that set a looser standard for laws that restrict religious practices.

That ruling, Employment Division v. Smith, abandoned a long accepted principle of constitutional interpretation that required the Government to demonstrate a "compelling state interest" to justify any measure restricting religious practices. Under the ruling, restrictions were acceptable as long as they were not aimed at religious groups alone.

The new law restores the old standard, and even in cases where Government concerns like health or safety do justify infringements of religious practices, the new law requires the use of whatever means would be least restrictive to religion.

After the 1990 decision, religious groups could not claim exemptions from routine legislation or regulations on the basis of the First Amendment's guarantee of religious freedom.

Gore Hails New Law

Speaking at the White House signing ceremony today, Vice President Al Gore illustrated the kind of cases that have been affected.

"Those whose religion forbids autopsies have been subjected to mandatory autopsies," he said. "Those who want churches close to where they live have seen churches zoned out of residential areas. Those who want the freedom to design their churches have seen local governments dictate the configuration of their building."

Supporters of the law say that 50 to 60 cases of government infringements on religious practices have been justified in the courts on the basis of the 1990 ruling.

President Clinton hailed the new law at the signing ceremony, saying that it held government "to a very high level of proof before it interferes with someone's free exercise of religion."

J. Brent Walker, general counsel of the Baptist Joint Committee on Public Affairs called the new law "the most significant piece of legislation dealing with our religious liberty in a generation."

His sentiments were echoed by many other members of an unusual coalition of liberal, conservative and religious groups that had pressed for the new law. The coalition included the National Association of Evangelicals, the Southern Baptist Convention, the National Council of Churches, the American Jewish Congress, the National Conference of Catholic Bishops, the Mormon Church, the Traditional Values Coalition and the American Civil Liberties Union.

In the Senate, where the bill was approved 97 to 3 on Oct. 27, it was sponsored by Senators Edward M. Kennedy, Democrat of Massachusetts, and Orrin G. Hatch, Republican of Utah. In the House, which passed the bill last May by a voice vote without objection, it was sponsored by Representative Charles E. Schumer, Democrat of Brooklyn, and Representative Christopher C. Cox, Republican of California.

President Clinton voiced wonder today at this alliance of forces that are often at odds across religious or ideological lines. "The power of God is such that even in the legislative process miracles can happen," he said.

Case in Oregon

The 1990 case upheld the denial of unemployment benefits by the State of Oregon to an American Indian who was dismissed from a job in a drug rehabilitation program for using the hallucinogenic drug peyote as part of a ritual of the Native American Church. Oregon has a general law banning peyote use, which at that time did not exempt its use for religious purposes.

The Court's majority decision, written by Justice Antonin Scalia, held that the First Amendment did not oblige Oregon to show a "compelling state interest" for refusing such an exemption. If such exemptions were to be established, it had to be done by legislation, not the courts, Justice Scalia said.

Although supporters of the Religious Freedom Restoration Act saw that ruling as having wide implications, especially for small religious groups without political muscle, they said they at first found it hard to rouse public concern about a case involving hallucinogenic drugs.

The bill faced two other obstacles on its way to passage. One was the reluctance of Roman Catholic church officials, who represent the largest church in the United States, to join the coalition. The bishops feared that the new legislation might create fresh religious grounds for claiming abortion rights or for blocking public financing of church-sponsored social services.

Last March, small modifications won the support of the Catholic bishops' conference.

Then objections arose from prison officials and the attorneys general of some states, who complained that the legislation would bog down prison officials with lawsuits demanding special diets or other privileges based on inmates' religious beliefs.

Faced with an amendment in the Senate excluding prisons from the provisions of the bill, supporters warned that it would open the way for further exceptions and that the valid concerns of prison officials could be met under the "compelling state interest" standard.

The defeat of the amendment by a vote of 48 to 41 last month cleared the way for final passage of the legislation.

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BETWEEN A WING AND A PRAYER

Environment: A legal battle over feathers

by Marc Peyser with
Sonya Zalubowski

The first time police caught Nathan Jim Jr. with dead eagles—seven of them—a federal judge sentenced him to 10 months in prison for violating the Eagle Protection Act and the Endangered Species Act. But that didn't deter him. Jim is a member of Oregon's Yakama Indian Nation, which uses the majestic birds' feathers in funerals to guide tribesmen's passage to the next world. In December 1992, two years after leaving jail, he was caught again, this time with five dead hawks, one dead bald eagle and parts from two golden eagles, stashed in green garbage bags in his pickup. Facing three years in prison and a $300,000 fine, Jim cited the religious tenets that compelled his actions, then promised, in exchange for five years' probation, not to kill any more birds. "I will obey your law," he told federal district Judge James Redden. The emphasis was placed squarely on the "your."

Since Congress began protecting endangered species in the early 1900s, American Indians have been caught between a wing and a prayer—sometimes breaking federal laws to fulfill their religious obligations. Now, however, a new federal law—another one of "yours"—may rescue Jim. A motion to overturn his conviction, set for next month in U.S. District Court, is expected to be the first test of the Religious Freedom Restoration Act, which President Clinton signed in November. The law forces officials to show a "compelling" health or safety interest before outlawing religious acts and decriminalizes practices such as those of Amish buggy drivers who refuse to carry "worldly" orange reflectors. Whether it will protect the birds that symbolize the very notion of freedom may ultimately be up to the Supreme Court.

American Indians have used eagles and hawks in their rituals for centuries. Preschool boys and girls receive their first feathers to help acquire power and direction in life. Families tie carcasses to their door posts for luck and pass the birds from one generation to the next. Jim says that without the birds he has killed, the Yakama could not bury their dead in peace. "I have a reason for what I did. It was a vow beyond law," he says. "To the United States government, my beliefs are nothing."

Black market: But environmentalists fear that the religious-freedom law will open hunting season to more than just Indians. Although no one has publicly accused Jim, a 33-year-old unemployed laborer, of profiteering, the black market in endangered birds is soaring. A bald eagle can go for $10,000; a feather for $35. At the moment the lot of the bald eagle has improved—about 400 live in Oregon, and in July the U.S. Fish and Wildlife Service proposed removing it nationwide from the endangered-species list. But the new law could allow extinction to loom again. "Once that decision is made," wildlife researcher Gary Clowers told an Oregon newspaper, "you would lose all the eagles within reach."

Jim can fulfill his obligations legally. The National Fish and Wildlife Forensics Laboratory in Ashland, Ore., collects eagles found dead by natural causes (and from the occasional bullet) and distributes them to Native Americans. This year the lab gave away 870 eagles and filled 28,000 requests for feathers. Jim Kniffen, the lab's coordinator, says that he expedites burial feather requests but maintains that Jim never said he had an emergency. Jim's lawyer, Celeste Whitewolf, says Jim and other American Indians did not know they could ask for special treatment. In the near future, they may not have to ask at all.

B

Constitutionalism and representative democracy

"Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."
—Edmund Burke, 1774

RESOURCES

- Day 1, Reading, *The Federalist* Nos. 10 and 51
- Day 2, Case study, "The Congressman's Constituents"
- Day 3, Worksheet, "Petition for a Redress of Grievances"

James Madison and the Federalist Papers, pp. 49-51.
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Madison on Majority Rule and Minority Rights

Madison's Position on Free Government

James Madison believed that a **free government** is based on the popular majority; but it is limited by the higher law of the Constitution to protect the rights and liberties of individuals in the minority. He supported popular participation in government, but only as a means to the protection of the individual's life, liberty, and property, and never as an end in itself.

Popular sovereignty in a republic, government by the people, implies majority rule. In a republic (a popular government), people elect representatives in government by majority vote, and these representatives of the people make laws by majority vote. However, a popular or republican form of government can pose dangers to the rights and freedoms of individuals. Majorities might oppress minorities who disagree with them, unless effective limits are placed on majority rule. Thus, James Madison and other supporters of the Federalist cause in 1787–88 believed that constitutional limits should restrict majority rule, but only for the higher purpose of securing the rights and liberties of individuals in the minority.

Madison equally opposed the absolutism of a monarch (the tyranny of one), of an aristocracy or oligarchy (tyranny of the few over the many), or of a popular majority (tyranny of the many over the few). Madison argued that the greatest threat to liberty in a republic (government by representatives of the people) would come from unrestrained majority rule.

At the Federal Convention in Philadelphia Madison stated his concern about the possible tyranny of the majority, when he said that the purposes of the Constitution were, first, "to protect the people against their rulers [and] secondly, to protect the people against the transient impressions [toward tyranny] into which they themselves might be led." Madison warned that reliance on popular participation in government to prevent tyranny would fail; because popular majorities that resulted from direct participation of the people in government could have the power, if not limited by a well-structured constitution, to trample the rights and freedoms of minorities.

The Federalist Nos. 10 and 51

Madison memorably discussed majority rule and minority rights in a free and republican form of government in *The Federalist* 10 and 51. Number 10 was printed for the first time on November 22, 1787, in *The Daily Advertiser* of New York City. It was the first of 29 papers by Madison for *The Federalist*. Read the following excerpts from these two essays and respond to the questions that come after them.

The Federalist No. 10 (Madison)

November 22, 1787

To the People of the State of New York:

AMONG the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction....

Module 2B Day 1

By a faction I understand [mean] a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated [motivated to action] by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community....

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government...enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction [an overbearing majority], and at the same time to preserve the spirit and the form of popular government [majority rule], is then the great object to which our inquiries are directed....

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression....

From this view of the subject it may be concluded that a pure [direct] democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction [majoritarian tyranny]. A common passion or interest will, in almost every case, be felt by a majority of the whole...and there is nothing to check the inducements to sacrifice [oppress] the weaker party or an obnoxious individual. Hence it is that such democracies [with unlimited majority rule] have ever been spectacles of turbulence [disorder] and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would at the same time be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking....

The two great points of difference between a [direct and unlimited] democracy and a republic are: first, the delegation of the government, in the latter [republic], to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country over which the latter [republic] may be extended.

The effect of the first difference is...to refine and enlarge the public views by passing them through the medium of a chosen body of citizens [elected representatives of the people], whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose....

[The effect of the second difference], the greater number of citizens and extent of territory which may be brought within…republican [government]…renders factious combinations less to be dreaded [in a large republic]. The smaller the society, the fewer probably will be the distinct parties and interests [groups with a common aim] composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller…the compass [area] within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere [area], and you take in a greater variety of parties and interest; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other….

Hence, it clearly appears that the same advantage which a republic has over a [direct] democracy in controlling the effects of faction is enjoyed by a large over a small republic—is enjoyed by the Union over the States composing it….Here again the extent [large territory] of the Union gives it the most palpable advantage [in limiting the power of majorities to oppress unpopular persons]….

In the extent and proper structure of the Union [a large federal republic]…we behold a republican remedy for the diseases most incident to republican government….

Answer the questions below about The Federalist *10. Prepare yourself to explain and justify your answers with ideas and evidence drawn from the preceding primary source,* The Federalist *10.*

1. **What are the differences between a republic and a pure or direct democracy?**

2. **What are the dangers of a pure or direct democracy?**

3. **How does a republic overcome weaknesses associated with pure or direct democracy?**

4. **Does Madison's concept of republican government include both majority rule and minority rights?**

5. **Is Madison's concept of republican government compatible with today's concept of representative democracy?**

The Federalist No. 51 (Madison)

February 6, 1788

To the People of the State of New York:

…It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority—that is, of the society itself; the other, by [including] in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority [monarchy or dictatorship]. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights…consists…in the multiplicity of interests…. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful…. In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself….

Answer the questions below about The Federalist *51. Use ideas and evidence from the preceding document to explain and justify your answers.*

1. **Madison says: "It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part." (a) What does this statement have to do with majority rule and minority rights in a free government? (b) Do you agree with Madison's statement? Why?**
2. **Does Madison believe that majority rule could destroy minority rights? Why?**
3. **What are Madison's ideas about how to guard against the destruction of minority rights?**
4. **Does Madison value both majority rule and minority rights?**

Case Study

The Congressman's Constituents

Mei Wuang found it impossible to enjoy the scenery on her way home from work. That day she and her co-workers had been shocked by a notice placed on the company's bulletin board.

The message from their employer informed them of an impending reduction in workforce. No names or positions were listed, so virtually all the workers felt insecure. Mei Wuang had never before faced the prospect of a layoff, and she wondered if the government had a role to fulfill in this type of situation. She also wondered how people can best express their needs and views to those in public office.

Mei Wuang drove home and entered the lobby area, where she met Tom, who was equally dejected. Tom had just opened his mail, and he told Mei Wuang that he had once again been turned down for an education loan. Sara overheard their conversation and expressed concerns of her own. She was considering entering a four-year degree program as a prelude to law school and was realistic enough to know that she would need the assistance of student aid or a loan program.

Shawna was sitting quietly in the lobby for the entire conversation. After listening to Mei Wuang, Tom, and Sara express their various concerns, she told them of her own dilemma. Shawna was contemplating changing jobs, but the small clinic that had offered her a position did not have medical insurance benefits. Complicating matters, Martin, who was covered by Shawna's current insurance policy, worked at a halfway house that did not have an insurance program.

Mei Wuang asked the others the question that had been on her mind on her way home from work. She wanted to know if the government had a responsibility to the people when they were confronted with a layoff from work, the need for a student loan, the loss of medical coverage when transferring from one employer to another, or other problems. Sara suggested that they should contact their congressman for his views and, hopefully, his assistance with their various concerns.

Discussion questions:

1. **What responsibilities does a member of Congress have to assist his or her constituents?**

2. **How could constituents influence their representative in order to gain his or her support?**

3. **Should Congress deliberate on such matters as job security, educational opportunity, and health insurance?**

Representation is one of America's founding principles. The slogan "no taxation without representation" (used by the colonists during the Revolutionary War) expressed the desire that American colonists had for representative government. Consider the following questions on the nature of representative government in the United States:

1. **How many representatives serve in the House of Representatives and the Senate?**

Module 2B Day 2

2. What is the role of the census in determining representation?

3. What advantage is there to maintaining a representative democracy rather than a direct democracy?

4. What is the potential impact of the electronic age on representation and its ability to facilitate a more direct democracy?

5. Should the number of representatives in Congress be increased as the national population increases?

6. Should representation in the Senate be based upon population rather than having two senators per state?

Name ______________________________ Class ________

Worksheet **Module 2B Day 3**

Petition for a Redress of Grievances

1. Problem to be addressed:

2. Why this problem should be addressed:

3. Possible solution:

Notes:

Notes:

MODULE 3:

The Constitution and principles of American democracy

Federalism and the division of powers

> *"The judicial power ought to be distinct from both the legislative and executive [branches], and independent upon both, so that it may be a check upon both."*
>
> —John Adams, 1776

> *"The power vested in the American courts of justice of pronouncing a statute to be unconstitutional forms one of the most powerful barriers that have ever been devised against the tyranny of political assemblies."*
>
> —Alexis de Tocqueville, 1835

> *"The proposed Constitution, so far from implying an abolition of the State Governments, makes them constituent parts of the national sovereignty...and leaves in their possession certain exclusive and very important portions of sovereign power. This fully corresponds, in every rational import of the terms with the idea of a Federal Government."*
>
> —Alexander Hamilton, 1787

RESOURCES

- Day 1, Chart, "Separation of Powers and Checks and Balances"
- Day 1, Reading, "*Youngstown Sheet and Tube Company v. Sawyer* (1952)"
- Day 1, Reading, "Decision: *Youngstown Sheet and Tube Company v. Sawyer* (1952)"
- Day 1, Cartoon, "The Balance of Power"
- Day 2, Reading, "Opening Doors for the Disabled" by Nancy Traver, *Time*, June 4, 1990
- Day 2, Case study
- Day 3, Reading, "Despite Law, Jobs for Disabled Rare" by Andrew Mollison, *Palm Beach Post*, July 23, 1995

James Madison and the Federalist Papers, p. 80.
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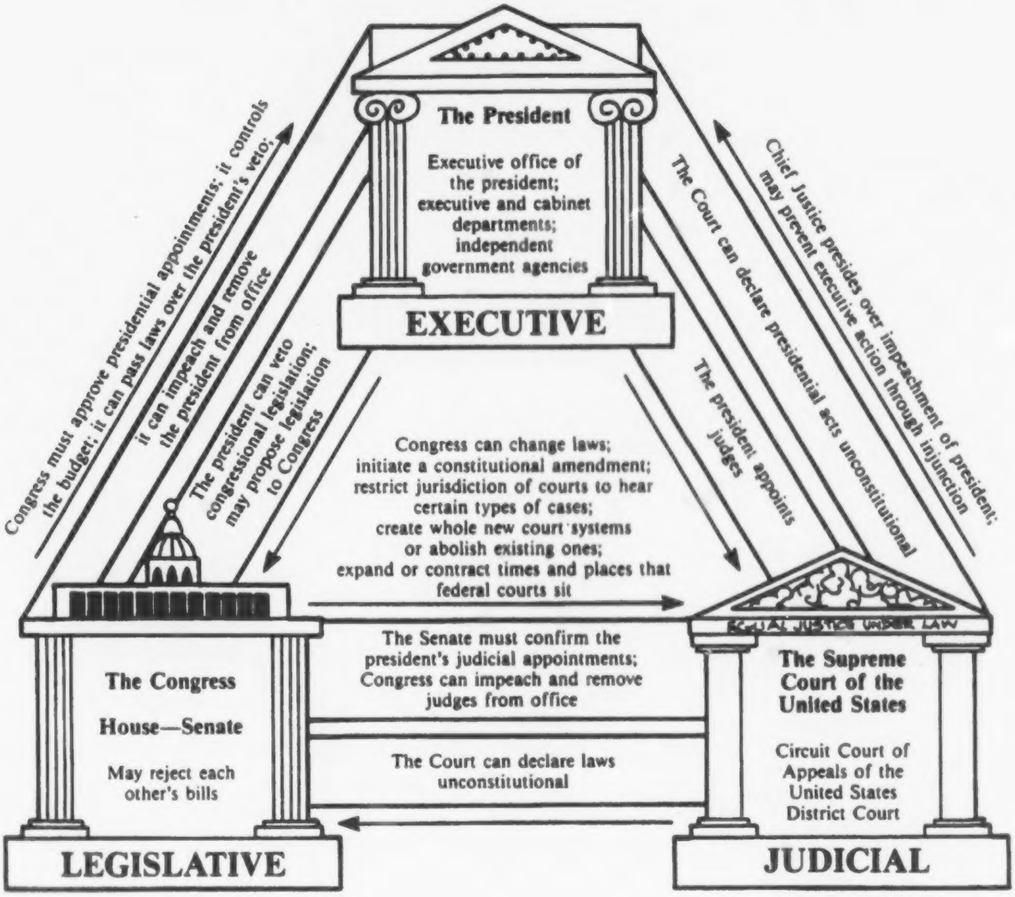
Separation of Powers and Checks and Balances


The President
Executive office of the president; executive and cabinet departments; independent government agencies
EXECUTIVE
Congress must approve presidential appointments; it controls the budget; it can pass laws over the president's veto;
it can impeach and remove the president from office
The president can veto congressional legislation; may propose legislation to Congress
Chief Justice presides over impeachment of president; may prevent executive action through injunction
The Court can declare presidential acts unconstitutional
The president appoints judges
Congress can change laws; initiate a constitutional amendment; restrict jurisdiction of courts to hear certain types of cases; create whole new court systems or abolish existing ones; expand or contract times and places that federal courts sit
The Senate must confirm the president's judicial appointments; Congress can impeach and remove judges from office
The Court can declare laws unconstitutional
The Congress
House—Senate
May reject each other's bills
LEGISLATIVE
EQUAL JUSTICE UNDER LAW
The Supreme Court of the United States
Circuit Court of Appeals of the United States District Court
JUDICIAL

Youngstown Sheet and Tube Company v. Sawyer (1952)

Background and facts:

In 1952, with American troops actively engaged in the Korean War, President Harry S. Truman faced a potential crisis. The nation's steelworkers were threatening to go on strike, and Truman feared that the result would be shortages of vital weapons and ammunition. The president did not want the lives of American soldiers placed in even greater jeopardy by a labor dispute.

To ensure the continued production of steel, President Truman instructed Secretary of Commerce Charles Sawyer to take temporary control of the steel mills and keep them in operation.

Truman argued that his order was constitutional for two reasons. First, as the nation's chief executive, it was his duty to take affirmative steps to avert what threatened to become a national emergency (see Article II, Section 1 of the Constitution). Second, as commander in chief, the president was required to conduct the nation's war effort in a manner that would provide the greatest possible protection for American troops (see Article II, Section 2 of the Constitution).

On the other hand, the owners of the steel mills contested Truman's executive order in court by claiming that the president had, in fact, violated the Constitution by exceeding his actual authority. Truman was accused of attempting to make a law, because there was no legislation or constitutional provision that authorized a president to take control of private property, even during a national emergency. Only Congress, under the principle of the separation of powers, has the authority to make a law (see Article I, Section 1 of the Constitution).

The Supreme Court, representing the third branch of the federal government, would decide if President Truman's executive order was constitutional or unconstitutional.

Youngstown Sheet and Tube Company v. Sawyer (1952)

DO NOT READ UNTIL INSTRUCTED TO DO SO

Decision:

The Supreme Court ruled against President Truman and thereby upheld one of the quintessential principles of American constitutional law, the separation of powers. The Court voted 6–3 that the Constitution had not conferred upon the president the power to seize private property, whether he claimed to be acting as the chief executive, the commander in chief, or any of his other various roles.

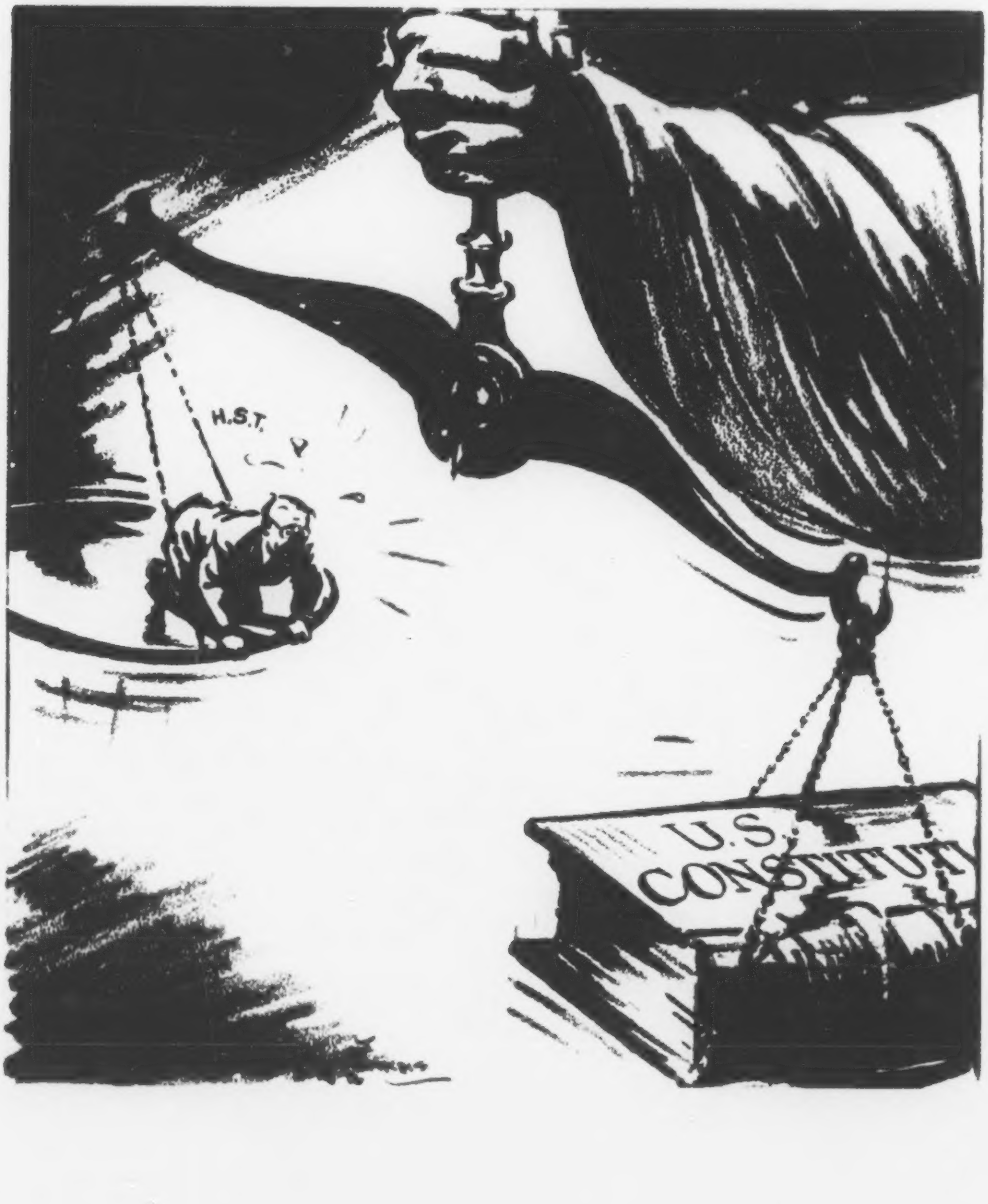
Justice Hugo L. Black, the author of the majority opinion, asserted that a president is limited to "the recommending of laws he thinks wise and the vetoing of laws he thinks bad" and that not even a national emergency could justify a president's effort to make and enforce his own law.

It is worth noting that Truman could have invoked a provision of the Taft-Hartley Act that would have delayed the strike for a "cooling-off" period of 80 days. However, Truman refused to follow this course of action, because he felt that this particular piece of legislation was anti-labor.

In dissent, Chief Justice Fred Vinson noted that one could argue that a number of presidents, including Abraham Lincoln and Franklin Roosevelt, had exceeded the authority of their office during times of war. Vinson held that a national emergency required extraordinary action, and he placed the conflict in Korea in this category.

Cartoon originally by Burris Jenkins, Jr. Published by the *New York World Telegram*, April 1952. Copy from *Draw: Political Cartoons from Left to Right*, by Stacey Bredhoff, National Archives.

THE BALANCE OF POWER



Case Study

Mike has decided to send his son, Tom, on a trip to Washington, D.C., to attend sessions of Congress and the Supreme Court and to visit the White House. Tom is extremely interested in politics and, to make the trip a learning experience, he has composed a list of research questions that he will attempt to answer while in Washington. His questions are as follows:

Congress (legislative branch):

1. **What powers does the Constitution give to Congress?**
2. **How does Congress make laws?**
3. **How do citizens participate in the lawmaking process?**

President (executive branch):

4. **How does a law passed by Congress get carried out?**
5. **What are some of the major departments of the executive branch, and what do they do?**
6. **What are some of the major executive branch agencies, and what do they do?**

Supreme Court (judicial branch):

7. **What is the role of the Supreme Court in our constitutional democracy?**
8. **Why is an independent judiciary essential in a constitutional democracy?**
9. **Why does the Supreme Court write and publish its decisions, and how can citizens learn about the Court's decisions?**

Take an imaginary trip to Washington. Use either a computer or printed resources to answer the questions that Tom will attempt to answer on his trip.

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Nation

Opening Doors for the Disabled

But the handicapped-rights law may harm those it aims to help

By NANCY TRAVER

Norma Westfield eases her wheelchair out of the elevator of her apartment, through the front door and to the Handi-Van waiting in front of her building. It is a vehicle with hydraulic lifts that the city of Fond du Lac offers to disabled residents. Westfield, 43, who has used a wheelchair since she was stricken with polio as a child, relies on the Handi-Van to reach her doctor's office and a local hospital where she does volunteer work. She is not strong enough to push herself to the bus stop a block away, and during the winter Westfield's wheelchair could easily tip over on Fond du Lac's icy streets. She can rely on the van until 10 p.m., while city buses run only until 6:45 p.m. And the 60¢ fare is no higher than riding the bus. Said Westfield: "It's a godsend."

Like disabled people in hundreds of small towns across the nation, Westfield fears that the Americans with Disabilities Act, passed overwhelmingly by the House last week and expected to be signed into law by the President in July, will unintentionally harm those it is designed to help. Widely viewed as the most sweeping civil rights measure in more than 25 years, the act offers the nation's 43 million disabled new employment opportunities and greater access to public accommodations, transit systems and communications networks. Until the law goes into effect, handicapped people are protected by only a patchwork of state and local laws.

Some advocates for the disabled argue that those local ordinances were better tailored to meet the needs of the handicapped than is the new law. One provision of the disabilities act, for example, will require all new buses to be equipped with hydraulic lifts that will cost state and local governments up to $30 million annually for the next several years. Meeting that requirement will confront hard-pressed small towns with a difficult financial choice.

In Fond du Lac, a town of 40,000 curled along the shores of Lake Winnebago, lifts will boost the price tag on each new bus $15,000. Operating and maintenance expenses will tack on an additional $5,000 each year. City-council members worry about finding enough money to both continue the Handi-Van service and install lifts on the city's fleet of twelve buses, half of which are due to be replaced this year.

Disabled-rights groups lobbied hard to defeat an amendment to the bill that would have exempted transit systems in cities of fewer than 200,000. They argued that disabled people should not be segregated in special buses or vans. But Stan Kocos, chairman of Disabled Advocates of Fond du Lac, admits that his group was torn between support for the new law and the Handi-Van. Says Kocos: "We want lifts on buses, and we want the alternative service. But we'd hate to see a taxpayer backlash."

Kocos said many local store owners are confused and fearful about the improvements they will have to make, which require businesses to be made accessible to the disabled by the end of next year. Business groups have estimated that building a concrete ramp can cost between $1,000 and $10,000, while widening an exterior door runs $3,000.

Major provisions of the Americans with Disabilities Act would:

- **Prohibit firms with more than 25 employees from discriminating in hiring or promotion against workers with physical or mental impairments.**
- **Outlaw tests that tend to screen out handicapped job applicants. Employers would, however, be allowed to inquire about a worker's ability to perform a job.**
- **Require companies to make "reasonable accommodations" for disabled employees, such as providing readers for blind workers and arranging part-time or modified work schedules.**
- **Force restaurants, stores and other "public accommodations" to widen doorways and provide ramps for people in wheelchairs. If such modifications posed an "undue burden," operators could use alternatives, such as meeting handicapped customers at the door.**
- **Require that inner city buses be made accessible to the handicapped.**

Martin Ryan, a manufacturer of artificial limbs, has talked to business owners about the bill at local Chamber of Commerce meetings. The cost of improvements can be kept down, he maintains, by building wooden ramps instead of concrete ones or simply attaching a buzzer on a front door. "Many business owners say, 'I don't have many disabled customers, so why should I build a ramp or widen my doorways or install a pull on the door of my store?' " says Ryan. "I just try to tell them it's a cost of doing business, and it's worthwhile."

Though finding accessible housing remains a problem for Fond du Lac's disabled, the city has made progress in opening some public accommodations. Movie theaters have removed rows of seats to make room for people in wheelchairs. Several service stations offer to pump gas at no extra charge for disabled drivers, and grocery stores provide electric carts for shoppers who cannot navigate the long aisles. Parking spaces marked with the blue-and-white symbol of a wheelchair are vigilantly guarded; anyone who illegally slips into one is subject to a $30 fine. Rather than rely on police to enforce the law, many disabled residents carry ticket forms that can be slapped onto the window of an offending car. Their eagerness to be tough on parking violators is a sign that the disabled do not intend to allow the unhandicapped to walk all over their rights. ■

From the *Palm Beach Post*
July 23, 1995, p. 6a

DESPITE LAW, JOBS FOR DISABLED RARE

by Andrew Mollison,
Palm Beach Post Washington Bureau

In the winter, Jill Hindman skis. In the summer, she sails.

In between, for the past two and a half years, the college-educated Tennessean has been looking in Chattanooga for a job in marketing or communications. That's short-term. "One of my bouts of unemployment lasted more than five years," said Hindman, who was born with spina bifida.

"That means I use a wheelchair," she said on the phone. "I'm healthy. I'm energetic. I'm extremely mobile. But when they [potential employers] see a woman in a wheelchair, their perception is that I must tire easily."

Hindman had just returned from a job-hunting trip to Atlanta.

"It seems to be a boom town. I had good interviews, and I've got my fingers crossed," she said.

But if her latest interviews don't pan out, she won't be shocked.

She knows that five years after the passage of the anti-bias law called the Americans with Disabilities Act jobs for people with disabilities remain rare.

On July 26, 1990, when President Bush signed the ADA into law, about 3 out of every 10 working-age persons with disabilities had jobs or businesses.

That 30 percent ratio—far below the 80 percent employment rate for people without disabilities—still holds, Census Bureau surveys show.

But optimists say the ADA has paved the way for workplace breakthroughs by toppling barriers in public buildings and businesses and in public transit.

"It used to be when my van broke down, I was up the creek," said Virginia Roberts of Austin, Texas. "I couldn't just catch a ride in a neighbor's car, because my electric wheelchair wouldn't fit in the trunk, and I couldn't register for a home pickup with paratransit, because I drove to work."

"Now I just wheel over to a bus stop and catch a (lift-equipped) bus. No sweat. In one year it saved me, I would say, almost three weeks of leave," said Roberts, executive director of the Texas Governor's Committee on Employment of People with Disabilities.

But in Tallahassee, her Florida counterpart, Carol Ann Breyer, said that if society really wanted more disabled people to work, it would change laws that make many of them risk losing health coverage and steady subsistence-level benefits if they get low-wage jobs that could disappear at any moment.

"Not just people who are able-bodied—but a lot of people with disabilities—still don't really believe people with disabilities belong in the workforce," Breyer complained.

"So?" snorted Leye Chrzanowski of Chantilly, Va. She is editor-in-chief of *One Step Ahead*, a national newsletter by and for people with disabilities.

"I keep hearing about how employers have to be 'sensitized' to people with disabilities before they'll hire them. That is a bunch of crap," said Chrzanowski, who works mostly at home when the symptoms of her multiple sclerosis increase and mostly in the offices of EKA Communications Inc., when the symptoms fade.

"An employer should be looking for qualified applicants, whether they're black, white, disabled or whatever," she said. "People with disabilities shouldn't go in and beg for a job, but we should be assertive and go after the ones for which we feel qualified."

Almost all employers say they agree, according to surveys by Louis Harris Associates Inc. More than three-fourths of the executives polled this spring said their firms have made changes to help disabled employees do their jobs, agree that the adjustments were affordable and worth it, and support keeping or strengthening the ADA.

JOBS AND DISABILITIES

	Percentage of People with Disabilities Employed	Percentage of People without Disabilities Employed
In March		
1985	27	72
1986	27	72.5
1987	28	73
1988	31	74
1989	32	75
1990*	31	76
1991	29	74
1992**	29	74
1993	29	74
1994***	27	75

* Americans with Disabilities Act signed July 26, 1990.

** ADA applies to employers with 25 or more workers.

*** ADA applies to employers with 15 or more workers.

Source: Census Bureau

In fact, someone disabled on the job now has a 75 percent chance of getting back on the job, compared to 50 percent before the ADA, said Tony Coelho, chairman of the President's Committee on Employment of the Disabled and who has epilepsy.

But outside applicants might not have as much luck. Among executives of companies with 50 or more employees, the number who told Harris pollsters that their own firm had hired anybody with a disability within the previous three years remained essentially stagnant—at 62 percent in 1986 and 64 percent this year.

Such hiring has actually dropped among owners of smaller businesses, which provide most of the nation's new jobs, said Wendy Lechner of the National Federation of Independent Business.

"They have a very strong fear of liability" under the ADA, she said.

The ADA's ban on job discrimination, phased in from July 1992 through July 1994, now covers firms with more than 15 workers. At last count, the EEOC had received 45,000 complaints. Of the first 25,000 cases resolved, nearly half were dismissed on technicalities and one-third were found to show no reasonable cause.

"There are always some awful cases that you get with a new, untested law," said Cliff Crase, who edits *Paraplegia News* in

Phoenix for the Paralyzed Veterans of America.

"My answer is that through the years this will be fine-tuned," Crase said. "It's like the consulting scams. During the first two years of the ADA, a lot of good people got taken for thousands of dollars by people who called themselves ADA consultants. But thank God, all that got weeded out."

ENFORCING THE LAW

Call these numbers for information on enforcement of the Americans with Disability Act.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. Enforces employment regulations. Call 800-669-3362 voice; 800-800-3302 TDD.

THE ARCHITECTURAL and Transportation Barriers Compliance Board. Sets minimum guidelines for accessible buildings, facilities, transit vehicles. Call 800-872-2253 voice or TDD.

DEPARTMENT OF TRANSPORTATION. Regulates transit. 202-366-9306 voice; 202-755-7687 or 202-366-2979 TDD.

WHO'S HIRING

The percentage of firms that have hired someone with a disability in the past three years:

	1986 (percent)	1995 (percent)
Number of employees		
*10,000 or more	69	74
1,000 to 9,999	63	71
50 to 999	54	48

*Slight changes in hiring patterns since the passage of the Americans with Disabilities Act of 1990 are so small they lack statistical significance.

Source: Louis Harris and Associates Inc., polls of 721 executives in 1986 and 404 executives in 1995 for the National Organization on Disabilities.

FEDERAL COMMUNICATIONS COMMISSION. Regulates telecommunications. Call 202-632-6999 TDD.

DEPARTMENT OF JUSTICE. Enforces regulations on access by the public to businesses and state and local government services. Call 202-514-0301 voice; 202-514-0381 or 202-514-0383 TDD.

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MODULE 3:

The Constitution and the principles of American democracy

The right to a fair trial

"If the meanest man in the republic is deprived of his rights, then every man in the republic is deprived of his rights."

—Jane Addams, 1903

RESOURCES

- Day 1, Worksheet, "Due Process Survey"
- Day 8, Reading, "*In re Gault* (1967)"
- Day 8, Reading, "Decision: *In re Gault* (1967)"

Name ______________________________ Class ________

Worksheet **Module 3B Day 1**

Due Process Survey

True or false:

_____ 1. When a criminal case is appealed, it is then decided by a grand jury.

_____ 2. After being found not guilty, a person cannot be retried for that offense, even if new evidence is discovered.

_____ 3. A defendant can be required to testify and answer specific questions in court.

_____ 4. In both criminal and civil cases, the right to a speedy trial is guaranteed.

_____ 5. In a criminal case, the defense has the right to cross-examine witnesses presented by the prosecution.

_____ 6. A defendant can present witnesses to testify in his or her favor.

_____ 7. To satisfy the "public trial" requirement in the Bill of Rights, all criminal cases are now televised.

_____ 8. Private property cannot be taken for public use unless the property owner receives fair compensation.

_____ 9. Criminal defendants are not simply guaranteed the right to a jury trial; they are to be judged by an "impartial" jury.

_____ 10. Most of the due process rights contained in the Bill of Rights, such as the protections against double jeopardy and self-incrimination, apply to federal prosecutions but not to state prosecutions.

Notes:

In re Gault (1967)

Background and facts:

In 1899 Illinois established the nation's first separate juvenile court system. During the next two decades, virtually every other state followed suit by establishing juvenile justice systems that were both paternalistic and non-adversarial. Treatment and rehabilitation, not punishment, were the goals. Informality and flexibility were stressed in an effort to provide young offenders with an opportunity to start anew without the handicap of a criminal record or the adverse publicity that often surrounds a public trial. Separate correctional facilities for juveniles also were established.

On June 8, 1964, fifteen-year-old Gerald Gault was taken into custody by the sheriff in Gila County, Arizona, for a relatively minor offense. Gerald and a friend, Ronald Lewis, were accused of having made an obscene phone call. The complaint was made by a neighbor of the two boys, Mrs. Cook. Gerald's parents were both at work when he was arrested. However, no steps were taken to advise them that their son had been taken into custody. It was not until hours later that the Gaults discovered that their son was being held at a detention center.

At this time Gerald was on probation for having been "in the company of" another boy who had stolen a wallet from a lady's purse. A preliminary hearing was held on the following day, June 9, but Gerald was not represented by a lawyer. Neither he nor his parents had been informed of Gerald's right to legal counsel. Gerald's neighbor, who had filed the complaint, did not attend the hearing, even though her presence was requested by Mrs. Gault.

Gerald would later claim that at this meeting he admitted only to having dialed the number and that his friend had made the indecent remarks. The judge testified on a later date that Gerald also admitted to having made a lewd remark over the phone. Unfortunately, there was no transcript of this hearing to substantiate either claim.

On June 15, 1964, the juvenile court judge cited Gerald Gault's probationary status and declared him a juvenile delinquent. Therefore, as a result of this obscene phone call, Gerald was sentenced to confinement in the state's industrial school until he reached the age of twenty-one and was no longer a minor If Gerald had been an adult, the maximum penalty for this particular offense would have been a fine of fifty dollars or two months in jail. Instead, Gerald faced a six-year sentence!

Gerald's parents appealed his sentence, and the case eventually reached the U.S. Supreme Court. It was alleged that Gerald's incarceration constituted a deprivation of liberty without due process of law. Specifically, violations of four commonly recognized due process provisions were alleged: notification of charges, the right to counsel, the right to confront and cross-examine an adverse witness, and the privilege against self-incrimination.

In re Gault (1967)

DO NOT READ UNTIL INSTRUCTED TO DO SO

Decision:

The U.S. Supreme Court, by a vote of 8–1, ruled that Gerald Gault had been deprived of his liberty without due process of law. The majority opinion was written by Justice Abe Fortas, who referred to due process of law as "the primary and indispensable foundation of individual freedom." He went on to state that due process "is the basic and essential term in the social compact which defines the rights of the individual and delimits the powers which the state may exercise." In other words, due process standards are necessary to maintain the proper balance between individual liberty and governmental authority.

Justice Fortas recognized that the purpose of juvenile courts is to emphasize rehabilitation over punishment. He did not suggest that the procedures followed in these courts should be altered to coincide exactly with adult criminal courts. However, Fortas, speaking for the majority, listed four basic safeguards that juvenile courts would be expected to follow to ensure fairness. These four standards were: notice of charges, the right to counsel, the privilege against self-incrimination, and the right to confront witnesses. Adhering to these basic procedures, in Fortas's opinion, would not diminish the informality or flexibility of the juvenile justice system.

Follow-up discussion questions:

1. **Do you agree or disagree with the idea that the juvenile justice system should emphasize rehabilitation over punishment?**

2. **Was the juvenile court's decision concerning Gerald Gault fair?**

3. **Do you agree with Justice Fortas that due process of law is the "primary and indispensable foundation of individual freedom"?**

4. **Justice Stevens, who wrote the lone dissent in this case, speculated that requiring juvenile courts to follow procedures formerly reserved for adversarial adult courts would have a harmful effect. Do you agree or disagree?**

5. **It is now relatively common for some minors to be tried in adult courts for more serious offenses. Should this trend continue?**

Notes:

MODULE 4:

The relationship of the United States to other nations and to world affairs

Foreign policy and national security

> *"What we call foreign affairs is no longer foreign affairs. It's a local affair. Whatever happens in Indonesia is important to Indiana.... We cannot escape each other..."*
>
> —Dwight D. Eisenhower, 1959

RESOURCES

- Day 1, Worksheet, "Foreign Policy Alternatives"
- Day 2, Case study
- Day 3, Reading, Universal Declaration of Human Rights
- Day 6, Assignment, "American Employees Taken Hostage"
- Day 7, Reading, "The Future of NATO"

Name ______________________ Class ________

Foreign Policy Alternatives

Situation #1—An aggressive, militaristic nation invades a smaller, weaker neighboring country. The weaker country has 5 percent of the world's oil reserves.

military option:

economic option:

diplomatic option:

Situation #2—A foreign nation is in the midst of an internal civil war. One side in this civil war is known to be indiscriminately killing civilians who are loyal to the opposing side.

military option:

economic option:

diplomatic option:

Situation #3—A nation governed by a repressive dictatorship invades a neighboring country for the purpose of political and economic domination. The nation that has been invaded is in jeopardy of losing its sovereignty, and the people will lose their civil and political freedoms. The U.S. trades with the invading country but has virtually no ties to the nation that has been invaded.

military option:

economic option:

diplomatic option:

Case Study

Mike's son, Tom, is about to graduate from high school, and he is considering going to college. Due to the high cost of higher education, Tom is also considering joining the Reserve Officers Training Corps (ROTC) once he enters college. When discussing this idea with his father, Tom was reminded by Mike that, if he goes through the ROTC program, he'll be expected to serve in the military upon graduation.

Mike also reminded his son that America's foreign policy has changed markedly since Mike was a young man serving in the military. He reasoned that today there are probably fewer opportunities in the military as a result of cuts in the defense budget and a greater reliance on technology. He spoke of friends who were not in the military, but who were affected, nonetheless, by the loss of jobs in the defense industry.

Tom was naturally concerned about military training and the direction of the military, in addition to the course of America's foreign policy. He wondered where he could find the most reliable information on these topics. Mike suggested that their congressman would be an excellent source of information, because he was directly involved in the formulation of the nation's foreign policy. Tom decided to e-mail the congressman to secure as much information as possible.

Assignment:

Draft an e-mail message to the congressman. It should contain at least five questions that, if answered, will help Tom plan for the future. You may elect to send your e-mail (or letter) to your own congressional representative for a reply.

UNITED NATIONS OFFICE OF PUBLIC INFORMATION

UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY
proclaims
THIS UNIVERSAL DECLARATION OF
HUMAN RIGHTS

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs,whether it be independent, trust, non-

self-governing or under any other limitation of sovereignty.

Article 3
Everyone has the right to life, liberty and security of person.

Article 4
No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6
Everyone has the right to recognition everywhere as a person before the law.

Article 7
All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8
Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9
No one shall be subjected to arbitrary arrest, detention or exile.

Article 10
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11
(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12
No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13
(1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14
(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15
(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16
(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17
(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18
Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19
Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20
(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21
(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22
Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23
(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

American Employees Taken Hostage

Situation: A civil war has just concluded in a nation that has traditionally been an ally of the United States and one of America's leading trade partners. After a new regime gained political control of the nation, fifty American employees of ______________, a major U.S. corporation, were taken hostage by a terrorist group operating inside this foreign country. The new regime in this country has thus far refused to take any action designed to secure the release of the hostages.

You are a member of one of four groups of advisors who are scheduled to meet with the president of the United States to recommend a course of action. Your group's position is outlined below. Write an opening statement in support of this position, and be prepared to answer questions the president might raise about this position. The president's decision on this matter will be final.

Group A

This group believes that the proper course of action would be to present the issue in the Security Council of the United Nations. This international body is intended to be a forum for the resolution of problems such as this one.

Group B

This group believes that the proper course of action would be to negotiate directly with the new regime in the foreign country. To respect the sovereignty of this country, it is imperative that the new government be allowed the opportunity to gain the release of the hostages.

Group C

This group believes that the proper course of action would be to impose economic sanctions on this foreign nation. The president should request a resolution by Congress mandating that all trade between the U.S. and this country cease until the hostages are released.

Group D

This group believes that the proper course of action would be direct military intervention. The lives of American citizens are in jeopardy, and, since the new regime in this foreign nation has refused to cooperate, the president is obliged to use force to secure their release.

(Note: Under the Wars Powers Resolution of 1973, within 48 hours of committing American forces abroad, the president must report to Congress by detailing the circumstances and the scope of his actions. The commitment must end within 60 days unless authorized by Congress for a longer period. Congress also has the option to end the commitment at any time by passing a resolution to that effect.)

From *Bill of Rights in Action*,
Constitutional Rights Foundation, Los Angeles, CA.

The Future of NATO

The Cold War, which divided Europe for more than 50 years, ended with a series of astounding events. In 1989, the German people tore down the Berlin Wall and celebrated. The following year, communist East Germany collapsed and united with West Germany. One by one, the Soviet-dominated communist governments of Central and Eastern Europe fell. In December 1991, the Soviet Union itself dissolved into a number of non-communist countries. Suddenly, the Cold War was over.

At the beginning of the Cold War in 1949, the United States helped establish the North Atlantic Treaty Organization (NATO). This military alliance obligates the United States to come to the defense of Western European nations if attacked. Today, with the end of the Cold War, the security threats of 1949 have disappeared. This new reality in Europe has raised questions about NATO: Should it expand to include the former communist countries of Central and Eastern Europe? Should the United States continue to participate in the alliance? Is NATO even needed in today's world?

Should the United States continue to participate in the alliance? Is NATO even needed in today's world?

The Beginning of the Cold War

Following the defeat of Nazi Germany in 1945, Soviet troops occupied much of Central and Eastern Europe. Communist governments soon controlled this area. The Communist Party was also gaining strength throughout war-torn Western Europe, especially in Italy and France. Talks among the four major wartime allies—Britain, France, the Soviet Union, and the United States—collapsed over the future status of Germany.

Speaking in Fulton, Missouri, in 1946, Winston Churchill, the British prime minister during World War II, warned of an ominous division taking place in Europe:

> *From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent. Behind that line lie all the capitals of the ancient states of Central and Eastern Europe. . . . [A]ll these famous cities and the populations around them lie in what I might call the Soviet sphere, and all are subject. . . [to] a very high and in some cases increasing measure of control from Moscow.*

In 1947, President Truman responded to Soviet military pressure on Turkey and a threatened communist take-over in Greece with a promise of military support to "free peoples who are resisting attempted subjugation." This Truman Doctrine together with the Marshall Plan, a massive American economic program to aid war-weakened Western Europe, were designed to "contain" any Soviet aggression.

But the next year, a communist minority with Soviet military support took control of the government of Czechoslovakia. Soon after that, the Soviets tried to get their way in Germany by blockading all land transportation routes leading into the British, French, and American occupation zones of Berlin. The Cold War had begun.

U.S. Involvement in NATO

Western European nations needed some sort of defense arrangement to assure their freedom and independence. But these nations were not strong enough, either individually or collectively, to defend themselves against a major Soviet attack.

Shortly after the Berlin Blockade began, representatives of Great Britain, France, Canada, Belgium, the Netherlands, and the United States met in Washington. They discussed issues affecting the security of Western Europe and North America. One issue was how to make Western Europe strong enough to balance the power of the Soviet Union. Another problem involved the future of Germany in Europe.

After the war, Germany and its old capital city, Berlin, had been divided and occupied by the four major allies. Military occupation would have to end sometime. What would be the role of Germany then? The representatives knew that Germany would regain its economic power and prominence in Europe. They didn't want Germany to become once again a military threat.

> *To the Western Europeans, there was only one solution to the potential threats of an aggressive Soviet Union and a remilitarized Germany. . . the permanent involvement of the United States in the security of Europe.*

To the Western Europeans, there was only one solution to the potential threats of an aggressive Soviet Union and a remilitarized Germany. This was the permanent involvement of the United States in the security of Europe. The United States would provide the balance of power preventing either the Soviets or the Germans from dominating Europe.

The Washington talks resulted in the drafting of the North Atlantic Treaty. On April 4, 1949, the foreign ministers of Belgium, Canada, Denmark, France, Great Britain, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, and the United States signed the treaty in Washington. Its key provision states that the signing nations "agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all. . . ." In the event of an attack, each party to the treaty also agree to take "such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

The following October, Congress authorized $500 million in military aid to strengthen America's Western European allies. The United States also led the effort to establish an organization (the "O" in NATO) to operate the new military alliance. General Dwight D. Eisenhower was appointed the supreme allied commander of all NATO forces in Europe. In April 1951, the U.S. Senate passed a resolution supporting President Truman's decision to permanently station four U.S. Army divisions in Europe (in addition to the two divisions already occupying Germany).

Over time, NATO expanded to include Greece, Turkey, West Germany, and Spain for a total of 16 member-nations. The American military forces on European soil eventually grew to over 300,000 troops. The unqualified success of NATO can be measured by the fact that the defense alliance was never challenged during the 50 years of the Cold War.

NATO's Future

With the end of the Cold War and Soviet Union gone, a debate developed over the need for the United States to remain involved in the defense of Europe.

Some called for withdrawing all U.S. troops from European soil and even the disbanding of NATO itself. According to this view, NATO had done its job and no longer had any purpose.

Others, however, argued that the fall of communism in Central and Eastern Europe had produced new dangers. Political and economic instability in Russia (a nuclear power), ethnic conflicts in the nations formed from the old Soviet Union, and civil wars like the one that engulfed former communist Yugoslavia could still threaten the security of Western Europe. In addition, if U.S. forces withdrew from Europe, the new reunified Germany would probably feel the need to build up its own military defense, perhaps even including nuclear weapons. Such a development would undoubtedly scare its neighbors. For all of these reasons, the Western Europeans, including the Germans, have unanimously favored the continuation of NATO with full American participation.

The unqualified success of NATO can be measured by the fact that the defense alliance was never challenged during the 50 years of the Cold War.

At the NATO summit in January 1994, President Clinton reaffirmed the U.S. commitment to NATO and the defense of Western Europe. "The security of the North Atlantic region," he declared, "is vital to the security of the United States." He went on to promise that the United States would keep at least 100,000 American troops stationed in Europe.

President Clinton also promoted "Partnership for Peace." Under this plan, the former communist countries of Europe could participate with NATO in joint planning, training, and military exercises. They could also "consult" with NATO if threatened or attacked. "Partnership for Peace" was envisioned as a pathway for old Iron Curtain countries to someday become full members of the NATO alliance.

Some foreign policy experts have raised troubling questions about enlarging NATO: Are the United States and its current NATO allies really prepared to defend a much larger area in Europe? Would U.S. troops be stationed in Central and Eastern European countries? Would NATO position nuclear weapons there?

But the most important objection to expanding NATO eastward in Europe concerns the reaction of Russia. It would almost certainly alarm the Russians if the NATO defense line were pushed literally to their border. In fact, the Russian foreign minister vowed early in 1996 to oppose any plan that included former Soviet bloc nations in NATO.

NATO and Bosnia

Another problem facing NATO is the ethnic civil war in Bosnia. In 1992, following the collapse of communism, Bosnia declared its independence from Yugoslavia, one of the former communist states of Europe. Civil war broke out among Bosnia's ethnic groups—Muslims, Serbs, and Croats. The war was marked by "ethnic cleansing," the massacre and forced exodus of innocent civilians. Although no NATO country was attacked, this war could have easily spilled over into NATO territory, particularly Greece.

The war in Bosnia raised a new question for NATO. Just how far should NATO go in preserving the peace of Europe when alliance members are not directly threatened?

Several NATO members wanted to intervene. They argued that NATO could not simply stand by while genocide was taking place in Europe. Most members, however, urged caution because the conflict was based on old ethnic hatreds. If NATO entered the war, they argued, it would sink huge amounts of troops and resources into a mess it couldn't hope to solve. Further, they noted, NATO would probably have to intervene against the Serbs who were winning the civil war. The Serbs are traditional allies of Russia.

So NATO took the position that it would help to bring about and then implement "a viable settlement reached in good faith."

Starting in 1993, NATO aircraft began to fly combat missions to protect civilian "safe areas" and U.N.

With the end of the Cold War and Soviet Union gone, a debate developed over the need for the United States to remain involved in the defense of Europe.

forces trying to bring about an end to the fighting in Bosnia. These were the first combat engagements ever by NATO forces. As a result of both NATO's military and diplomatic efforts, the warring parties agreed to negotiate a peace agreement, which was finally signed in Paris on December 14, 1995.

A few days later, NATO's Implementation Force (IFOR) began to carry out the military elements of the peace agreement. This involved sending 60,000 troops from about 30 NATO and non-NATO countries (including Russia) to separate the fighting armies in Bosnia and maintain the peace. The United States contributed one-third of the combat troops to this peacekeeping effort.

> *At the NATO summit in January 1994, President Clinton reaffirmed the U.S. commitment to NATO and the defense of Western Europe.*

Some have called IFOR a "dream team" because of the participation of so many countries and the inclusion of Russian troops under NATO command. IFOR could become a model for peacekeeping throughout all of Europe. Others, however, argue that neither the United States nor NATO has any business interfering in conflicts taking place outside NATO territory. Nevertheless, Bosnia does provide a test for whether NATO has any meaningful peacekeeping role to play in Europe now that the Cold War is over.

For Discussion and Writing

1. When the United States decided to join NATO in 1949, policy-makers ignored a longstanding American tradition of avoiding permanent foreign alliances. Do you think the United States did the right thing at that time? Why or why not?
2. What is the main argument for and the main argument against enlarging NATO to include former communist Central and Eastern European countries? Which argument is better? Why?
3. Some argue that we should withdraw all our troops from Europe and leave the defense of Europe to the Europeans. Do you agree or disagree with this view? Why?

For Further Reading

Duffield, John S. "NATO's Functions After the Cold War." *Political Science Quarterly.* Winter 1994-95:763-787.

Ireland, Timothy P. *Creating the Entangling Alliance, The Origins of the North Atlantic Treaty Organization.* Westport, Conn.: Greenwood Press, 1981.

ACTIVITY

Should NATO Expand?

The former communist countries of Central and Eastern Europe have expressed interest in joining NATO. Imagine NATO has appointed a commission to decide on whether these countries should be allowed to join.

1. Divide the class into triads. Assign each student in the triads a role of supporter of expansion, opponent of expansion, or commission member.
2. Regroup the class so they can consult with one another while preparing for the role-play. Supporters of expansion should sit on one side of the room, opponents on another side, and commission members in front. Supporters and opponents should think up their best arguments, and commission members should think of questions to ask each side.
3. Redivide into triads and begin the role-play. Supporters will present their case first. Each side will have two minutes to make its presentation. Commission members can interrupt to ask questions. After both sides present, each commission member should return to his or her seat at the front of the room.
4. Commission members should discuss and vote on the expansion of NATO.

Notes:

B

MODULE 4:

Relationship of the United States to other nations and to world affairs

Foreign policy and the economy

"I would observe that commerce, consisting in a mutual exchange of the necessities and conveniences of life, the more free and unrestrained it is, the more it flourishes; and the happier are all the nations concerned in it."

—Benjamin Franklin, 1783

RESOURCES

- Day 1, Reading. "George Washington and the Hypothetical Athletic Shoes"
- Day 1, Worksheet, "Profile of a Local Company"
- Day 3, Diagram, "Where an F-16 Falcon Fighter-Bomber Is Built"
- Day 7, Chart, "Top 50 Recipients of U.S. Foreign Aid, FY 1996"

George Washington and the Hypothetical Athletic Shoes

Part 1

Read the following excerpt from George Washington's Farewell Address, delivered on September 17, 1796:

> "The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop."

Discussion questions:

1. **In your own words, what was Washington attempting to tell the nation in this passage?**

2. **Does Washington's warning have any relevance in today's world?**

Part 2

Read the following hypothetical situation and answer the accompanying questions:

> A major United States corporation markets athletic shoes that are actually produced in a developing foreign nation. Child labor is not prohibited by the government in this particular country, and you recently learned that the shoe company in question permits the use of child labor in its factory there. If this was done inside the United States, the company would be in violation of child labor laws.

Assignment:

As concerned citizens, what could you do to (a) influence the athletic shoe company to stop the practice of using child labor in its foreign plants; (b) influence the government of the United States to prohibit American corporations from engaging in the use of child labor in foreign countries; and (c) encourage this particular foreign nation to prohibit the use of child labor within its borders?

Notes:

Name ______________________________ Class ________

Worksheet **Module 4B Day 1**

Profile of a Local Company

Contact a representative of a local company and obtain information about the following:

Local company's name:

Address:

Phone number:

Type of business:

Parts or products from this company are exported to the following foreign nations:

This company imports parts or products from the following foreign nations:

Notes:

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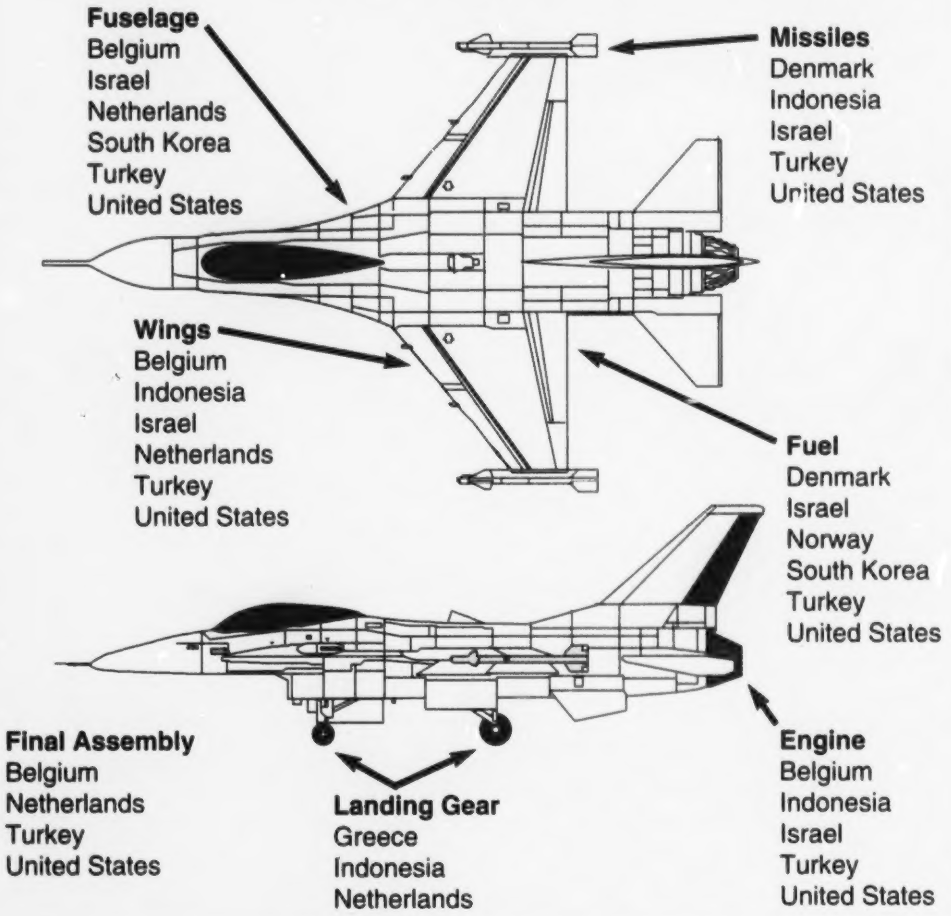
Where an F-16 Falcon Fighter-Bomber Is Built


Fuselage
Belgium
Israel
Netherlands
South Korea
Turkey
United States
Missiles
Denmark
Indonesia
Israel
Turkey
United States
Wings
Belgium
Indonesia
Israel
Netherlands
Turkey
United States
Fuel
Denmark
Israel
Norway
South Korea
Turkey
United States
Final Assembly
Belgium
Netherlands
Turkey
United States
Landing Gear
Greece
Indonesia
Netherlands
Engine
Belgium
Indonesia
Israel
Turkey
United States

Top 50 Recipients of U.S. Foreign Aid, FY 1996

Country	FY '96 U.S. Aid	Country	FY '96 U.S. Aid
1. Israel	$3,000,000,000	26. Cambodia	$42,820,000
2. Egypt	2,116,000,000	27. Kenya	41,698,000
3. Russia	264,241,000	28. Zambia	39,879,000
4. Ukraine	162,389,000	29. Mali	39,804,000
5. India	156,650,000	30. Nicaragua	39,307,000
6. South Africa	132,378,000	31. Colombia	38,708,000
7. Peru	124,377,000	32. Honduras	37,902,000
8. Haiti	123,385,000	33. Malawi	37,732,000
9. Bolivia	121,489,000	34. Madagascar	35,807,000
10. Ethiopia	109,125,000	35. Slovak Republic	34,260,000
11. Turkey	106,800,000	36. Albania	32,950,000
12. Bosnia/Herzegovina	80,840,000	37. Senegal	32,442,000
13. Bangladesh	78,050,000	38. Niger	31,594,000
14. Philippines	76,259,000	39. Armenia	31,382,000
15. Poland	69,680,000	40. Moldova	31,339,000
16. Kazakhstan	64,464,000	41. Morocco	31,238,000
17. Indonesia	63,854,000	42. Hungary	30,242,000
18. Ghana	56,938,000	43. Nepal	29,935,000
19. Mozambique	55,520,000	44. Ireland	29,600,000
20. Uganda	51,096,000	45. Guinea	27,996,000
21. Romania	48,137,000	46. Nigeria	26,827,000
22. Guatemala	47,149,000	47. Zimbabwe	25,461,000
23. Jordan	46,258,000	48. Mexico	25,242,000
24. Bulgaria	43,783,000	49. Ecuador	22,886,000
25. El Salvador	43,077,000	50. Georgia	21,250,000

Notes:

MODULE 5:

The roles of the citizen in American democracy

Rights and responsibilities of citizenship

> *"The principle on which this country was founded and by which it has always been governed is that Americanism is a matter of the mind and heart; Americanism is not, and never was, a matter of race and ancestry. A good American is one who is loyal to this country and to our creed of liberty and democracy."*
>
> —Franklin Delano Roosevelt, 1943

RESOURCES

- Day 1, Worksheet, "International Survey"
- Day 2, Case study
- Day 2, Naturalization application form N-400
- Day 7, Sample citizenship test

Name ______________________ **Class** ________

International Survey

Foreign Travel Survey

Directions: Contact a person who has traveled outside the United States sometime during the previous two years and ask that person the following questions:

1. Which foreign nation did you visit in the previous two years?

2. Why did you visit this particular nation? (business? vacation?)

3. In what ways was this nation similar to the United States?

4. In what ways was this nation different from the United States?

5. Would you be comfortable living permanently in this foreign country? Why or why not?

Your Community and the World

Directions: Study the businesses in your community for indications of international influence. Consider the following questions in your analysis:

1. What foreign companies have offices or factories in your community?

2. Do local businesses outsource the manufacture of materials or parts to other countries?

3. What is the impact of outsourcing, from the perspective of union leaders?

4. What is the impact of outsourcing, from the perspective of stockholders, investors, and/or owners?

5. What is the impact of outsourcing from the perspective of company employees? Why do these perspectives differ?

Notes:

Case Study—What's the Difference?

Part 1

Mei Wuang, a native of China, has been living and working in the United States as a resident alien for a number of years. Mari, who lives in the same apartment house as Mei Wuang, recently has been encouraging her to become a citizen of the United States. Mei Wuang said that she simply didn't know if it was "worth the trouble" of going through the process of becoming a naturalized citizen.

Mari admitted that she had a similar attitude when she arrived in the U.S., but after working here for a few years she decided that she welcomed the responsibilities that accompany citizenship. Mari asked Mei Wuang if she was aware of these responsibilities. Mei Wuang laughed and responded that, as far as she could tell, responsible citizens are the ones who pay their taxes on time. Mei Wuang didn't hesitate to inform her friend that she was already paying taxes!

Mari was persistent, however, and she emphasized to Mei Wuang that as a citizen she would have the right to vote. Mei Wuang observed that, in reality, most citizens don't vote. Mari was frustrated by Mei Wuang's attitude, and she suggested that she had a great deal to learn if she ever wanted to take the important step of applying for citizenship.

Discussion question: If you were Mari, how would you "sell" Mei Wuang on the idea of citizenship?

Part 2

Despite Mei Wuang's apparent indifference to becoming a citizen, Mari decided to press the point that the right to vote should not be taken for granted, even if many citizens choose to abdicate this responsibility whenever there's an election. She told Mei Wuang that she values the right to vote because she will always remember that when she was a young girl in Guatemala her parents risked their lives to vote in an election. This revelation reminded Mei Wuang that her relatives in China had virtually no voice in government or public affairs.

Mei Wuang apologized to Mari for being so flippant about becoming a citizen, and she asked how the naturalization process works. Mari told Mei Wuang that, because she was over eighteen years of age and had been a lawful resident of the U.S. for more than five years, she was eligible to apply for citizenship. The next step, according to Mari, would be for Mei Wuang to contact the regional office of the Immigration and Naturalization Service and follow the application procedures.

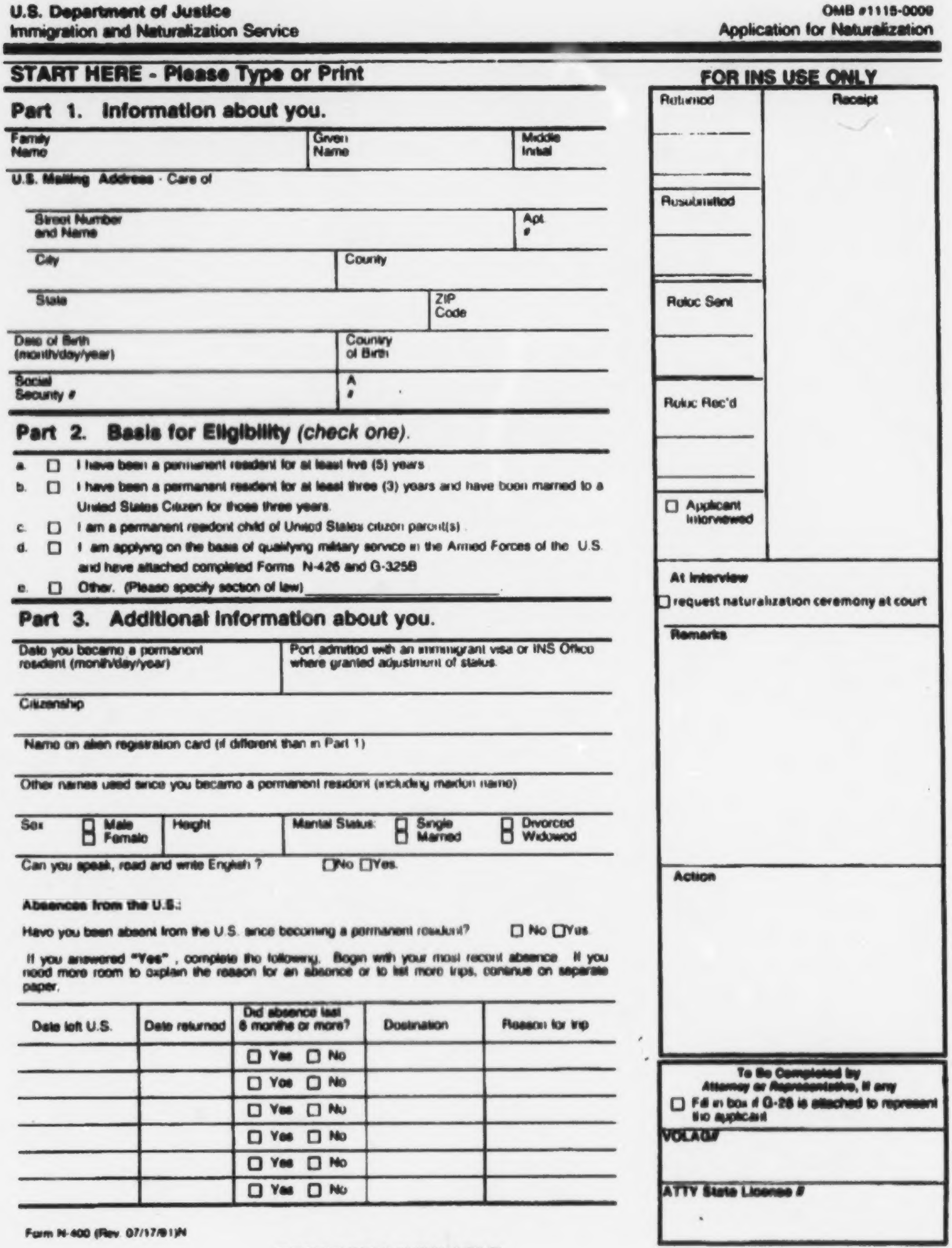
Discussion question:

Individuals who apply for United States citizenship are required to pledge to "defend the Constitution." If called upon to do so, how would you demonstrate a willingness to defend the Constitution?

Assignment:

Remove the naturalization application form N-400 from the student portfolio and complete it. This is the form referred to in the case study.

Module 5A Day 2



U.S. Department of Justice
Immigration and Naturalization Service

OMB #1115-0009
Application for Naturalization

START HERE - Please Type or Print

Part 1. Information about you.

Family Name | Given Name | Middle Initial

U.S. Mailing Address - Care of

Street Number and Name | Apt. #

City | County

State | ZIP Code

Date of Birth (month/day/year) | Country of Birth

Social Security # | A #

Part 2. Basis for Eligibility *(check one)*.

a. ☐ I have been a permanent resident for at least five (5) years
b. ☐ I have been a permanent resident for at least three (3) years and have been married to a United States Citizen for those three years.
c. ☐ I am a permanent resident child of United States citizen parent(s).
d. ☐ I am applying on the basis of qualifying military service in the Armed Forces of the U.S. and have attached completed Forms N-426 and G-325B
e. ☐ Other. (Please specify section of law) ____________________.

Part 3. Additional information about you.

Date you became a permanent resident (month/day/year) | Port admitted with an immigrant visa or INS Office where granted adjustment of status.

Citizenship

Name on alien registration card (if different than in Part 1)

Other names used since you became a permanent resident (including maiden name)

Sex ☐ Male ☐ Female | Height | Marital Status: ☐ Single ☐ Married ☐ Divorced ☐ Widowed

Can you speak, read and write English ? ☐No ☐Yes.

Absences from the U.S.:

Have you been absent from the U.S. since becoming a permanent resident? ☐ No ☐Yes.

If you answered "Yes", complete the following. Begin with your most recent absence. If you need more room to explain the reason for an absence or to list more trips, continue on separate paper.

Date left U.S.	Date returned	Did absence last 6 months or more?	Destination	Reason for trip
		☐ Yes ☐ No		
		☐ Yes ☐ No		
		☐ Yes ☐ No		
		☐ Yes ☐ No		
		☐ Yes ☐ No		
		☐ Yes ☐ No		

Form N-400 (Rev. 07/17/91)N

FOR INS USE ONLY

Returned | Receipt

Resubmitted

Reloc Sent

Reloc Rec'd

☐ Applicant Interviewed

At interview
☐ request naturalization ceremony at court

Remarks

Action

To Be Completed by *Attorney or Representative, if any*
☐ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

BEST COPY AVAILABLE

Part 4. Information about your residences and employment.

A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper.

Street Number and Name, City, State, Country, and Zip Code	Dates (month/day/year)	
	From	To

B. List your employers during the last five (5) years. List your present or most recent employer first. If none, write "None". If you need more space, continue on separate paper.

Employer's Name	Employer's Address	Dates Employed (month/day/year)		Occupation/position
	Street Name and Number - City, State and ZIP Code	From	To	

Part 5. Information about your marital history.

A. Total number of times you have been married ______ . If you are now married, complete the following regarding your husband or wife.

Family name	Given name	Middle initial

Address

Date of birth (month/day/year)	Country of birth	Citizenship
Social Security#	A# (*if applicable*)	Immigration status (If not a U.S. citizen)

Naturalization (If applicable) (month/day/year) Place (City, State)

If you have ever previously been married or if your current spouse has been previously married, please provide the following on separate paper: Name of prior spouse, date of marriage, date marriage ended, how marriage ended and immigration status of prior spouse.

Part 6. Information about your children.

B. Total Number of Children ________ . Complete the following information for each of your children. If the child lives with you, state "with me" in the address column; otherwise give city/state/country of child's current residence. If deceased, write "deceased" in the address column. If you need more space, continue on separate paper.

Full name of child	Date of birth	Country of birth	Citizenship	A - Number	Address

Module 5A Day 2

Part 7. Additional eligibility factors.

Please answer each of the following questions. If your answer is **"Yes"**, explain on a separate paper.

1. Are you now, or have you ever been a member of, or in any way connected or associated with the Communist Party, or ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person, or ever advocated, taught, believed in, or knowingly supported or furthered the interests of communism? ☐ Yes ☐ No
2. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit of the Nazi party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control or affiliated with:
   a. The Nazi Government of Germany? ☐ Yes ☐ No
   b. Any government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany? ☐ Yes ☐ No
3. Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion? ☐ Yes ☐ No
4. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☐ No
5. Have you ever failed to comply with Selective Service laws? ☐ Yes ☐ No
   If you have registered under the Selective Service laws, complete the following information:
   Selective Service Number ____________________ Date Registered ____________
   If you registered before 1978, also provide the following:
   Local Board Number ____________________ Classification ______________
6. Did you ever apply for exemption from military service because of alienage, conscientious objections or other reasons? ☐ Yes ☐ No
7. Have you ever deserted from the military, air or naval forces of the United States? ☐ Yes ☐ No
8. Since becoming a permanent resident , have you ever failed to file a federal income tax return ? ☐ Yes ☐ No
9. Since becoming a permanent resident , have you filed a federal income tax return as a nonresident or failed to file a federal return because you considered yourself to be a nonresident? ☐ Yes ☐ No
10. Are deportation proceedings pending against you, or have you ever been deported, or ordered deported, or have you ever applied for suspension of deportation? ☐ Yes ☐ No
11. Have you ever claimed in writing, or in any way, to be a United States citizen? ☐ Yes ☐ No
12. Have you ever:
    a. been a habitual drunkard? ☐ Yes ☐ No
    b. advocated or practiced polygamy? ☐ Yes ☐ No
    c. been a prostitute or procured anyone for prostitution? ☐ Yes ☐ No
    d. knowingly and for gain helped any alien to enter the U.S. illegally? ☐ Yes ☐ No
    e. been an illicit trafficker in narcotic drugs or marijuana? ☐ Yes ☐ No
    f. received income from illegal gambling? ☐ Yes ☐ No
    g. given false testimony for the purpose of obtaining any immigration benefit? ☐ Yes ☐ No
13. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution? ☐ Yes ☐ No
14. Were you born with, or have you acquired in same way, any title or order of nobility in any foreign State? ☐ Yes ☐ No
15. Have you ever:
    a. knowingly committed any crime for which you have not been arrested? ☐ Yes ☐ No
    b. been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations? ☐ Yes ☐ No

(If you answer yes to 15 , in your explanation give the following information for each incident or occurrence the **city**, **state**, and **country**, where the offense took place, the **date and nature** of the offense, and the **outcome** or **disposition** of the case)

Part 8. Allegiance to the U.S.

If your answer to any of the following questions is **"NO"**, attach a full explanation:

1. Do you believe in the Constitution and form of government of the U.S.? ☐ Yes ☐ No
2. Are you willing to take the full Oath of Allegiance to the U.S.? (see instructions) ☐ Yes ☐ No
3. If the law requires it, are you willing to bear arms on behalf of the U.S.? ☐ Yes ☐ No
4. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the U.S.? ☐ Yes ☐ No
5. If the law requires it, are you willing to perform work of national importance under civilian direction? ☐ Yes ☐ No

Part 9. Memberships and organizations.

A. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write "none". Include the name of organization, location, dates of membership and the nature of the organization. If additional space is needed, use separate paper.

Part 10. Complete only if you checked block " C " in Part 2.

How many of your parents are U.S. citizens? ☐ One ☐ Both (Give the following about one U.S. citizen parent:)

Family Name	Given Name	Middle Name
Address		
Basis for citizenship: ☐ Birth ☐ Naturalization Cert. No.	Relationship to you (check one): ☐ natural parent ☐ adoptive parent ☐ parent of child legitimated after birth	

If adopted or legitimated after birth, give date of adoption or, legitimation: (month/day/year) ____________

Does this parent have legal custody of you? ☐ Yes ☐ No

(Attach a copy of relating evidence to establish that you are the child of this U.S. citizen and evidence of this parent's citizenship.)

Part 11. Signature. *(Read the information on penalties in the instructions before completing this section).*

I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature **Date**

Please Note: *If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for naturalization and this application may be denied.*

Part 12. Signature of person preparing form if other than above. *(Sign below)*

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature **Print Your Name** **Date**

Firm Name
and Address

DO NOT COMPLETE THE FOLLOWING UNTIL INSTRUCTED TO DO SO AT THE INTERVIEW

I swear that I know the contents of this application, and supplemental pages 1 through______, that the corrections , numbered 1 through ______, were made at my request, and that this amended application, is true to the best of my knowledge and belief.

____
(Complete and true signature of applicant)

Subscribed and sworn to before me by the applicant

____
(Examiner's Signature) *Date*

Form N-400 (Rev. 07/17/91)N

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*U.S. Government Printing Office: 1986 — 387-154/22682

Module 5A Day 7

U.S. Department of Justice
Immigration and Naturalization Service

Sample Citizenship Questions

The following questions are examples of what may be asked of you on your examination for citizenship. You may practice for the exam by attempting to answer them.

1. What are the colors of our flag?
2. How many stars are there on our flag?
3. What color are the stars on our flag?
4. What do the stars on the flag mean?
5. How many stripes are on the flag?
6. What color are the stripes?
7. What do the stripes on the flag mean?
8. How many states are there in the union?
9. What is the 4th of July?
10. What is the date of Independence Day?
11. Independence from whom?
12. What country did we fight during the Revolutionary War?
13. Who was the first President of the United States?
14. Who is the President of the United States today?
15. Who is the Vice President of the United States today?
16. Who elects the President of the United States?
17. Who becomes President of the United States if the President should die?
18. For how long do we the elect the President?
19. What is the Constitution?
20. Can the Constitution be changed?
21. What do we call a change to the Constitution?
22. How many changes or amendments are there to the Constitution?
23. How many branches are there in our government?
24. What are the three branches of our government?
25. What is the legislative branch of our government?
26. Who makes the laws in the United States?
27. What is Congress?
28. What are the duties of Congress?
29. Who elects Congress?
30. How many senators are there in Congress?
31. Can you name the two senators from your state?
32. For how long do we elect each senator?
33. How many representatives are there in Congress?
34. For how long do we elect the representatives?
35. What is the executive branch of our government?
36. What is the judiciary branch of our government?
37. What are the duties of the Supreme Court?
38. What is the supreme law of the United States?
39. What is the Bill of Rights?
40. What is the capital of your state?
41. Who is the current governor of your state?
42. Who becomes President of the U.S.A. if the President and Vice President should die?
43. Who is the Chief Justice of the Supreme Court?
44. Can you name the thirteen original states?
45. Who said: "Give me liberty or give me death"?
46. Which countries were our enemies during World War II?
47. What are the 49th and 50th States of the Union?
48. How many terms can a President serve?
49. Who was Martin Luther King, Jr.?
50. Who is the head of your local government?

(PLEASE CONTINUE TO NEXT PAGE)

51. According to the Constitution, a person must meet certain requirements in order to be eligible to become President. Name one of these requirements.
52. Why are there 100 senators in the Senate?
53. Who selects the Supreme Court Justices?
54. How many Supreme Court Justices are there?
55. Why did the pilgrims come to America?
56. What is the head executive of a state government called?
57. What is the head executive of a city government called?
58. What holiday was celebrated for the first time by the American colonists?
59. Who was the main writer of the Declaration of Independence?
60. When was the Declaration of Independence adopted?
61. What is the basic belief of the Declaration of Independence?
62. What is the National Anthem of the United States?
63. Who wrote *The Star Spangled Banner*?
64. Where does Freedom of Speech come from?
65. What is the minimum voting age in the United States?
66. Who signs bills into law?
67. What is the highest court in the United States?
68. Who was President during the Civil War?
69. What did the Emancipation Proclamation do?
70. What special group advises the President?
71. Which President is called "the Father of Our Country"?
72. What Immigration and Naturalization Service form is used to apply for naturalized citizenship?
73. Who helped the pilgrims in America?
74. What is the name of the ship that brought the pilgrims to America?
75. What were the 13 original states of the United States called?
76. Name 3 rights or freedoms guaranteed by the Bill of Rights.
77. Who has the power to declare war?
78. What kind of government does the United States have?
79. Which President freed the slaves?
80. In what year was the Constitution written?
81. What are the first 10 Amendments to the Constitution called?
82. Name one purpose of the United Nations.
83. Where does Congress meet?
84. Whose rights are guaranteed by the Constitution and the Bill of Rights?
85. What is the introduction to the Constitution called?
86. Name one benefit of being a citizen of the United States.
87. What is the most important right granted to U.S. citizens?
88. What is the United States Capitol?
89. What is the White House?
90. Where is the White House located?
91. What is the name of the President's official home?
92. Name one right guaranteed by the First Amendment.
93. Who is the Commander-in-Chief of the U.S. military?
94. Which President was the first Commander-in-Chief of the U.S. military?
95. In what month do we vote for the President?
96. In what month is the new President inaugurated?
97. How many times may a senator be re-elected?
98. How many times may a congressman be re-elected?
99. What are the 2 major political parties in the U.S. today?
100. How many states are there in the United States?

MODULE 5:

The roles of the citizen in American democracy

Civil participation

"All history bears witness to the fact that there can be no public virtue without private morality. There cannot be good government except in a good society. And there cannot be a good society unless the majority of those in it are at least trying to be good people."

—Clare Booth Luce, 1978

RESOURCES

- Day 8, Sample voter registration form

INDIANA MAIL-IN VOTER REGISTRATION APPLICATION

(VRG-7)

State Form 46917 (R2 / 12-95)
Indiana Election Commission

You Can Use This Application To:
- apply to register to vote in Indiana.
- change your name or your address on your voter registration record.

To Register, You Must:
- be a citizen of the United States; and
- be at least 18 years old on the day of the next general or municipal election; and
- have lived in your precinct for at least 30 days before the next election; and
- not currently be in prison after being convicted of a crime.

If You Move:
You must transfer your registration whenever you move out of your precinct. You may use this application to transfer your registration. You may mail the completed application or hand deliver it to your county registration office.

To Complete This Form:

FILL IN ALL THE BOXES THAT APPLY TO YOU

Box 4: Print the address where you live (number, street, apartment or lot number, city/town, and ZIP code). If your address is a rural route or star route, be sure to include the box number.

Box 5: If this address is the same as in Box 4, just print "SAME" in this box.

Boxes 7, 8 and 9: These questions are optional. Your application will be processed even if you don't answer any of these questions.

Boxes 10 and 11: SKIP these questions if they do not apply to you.

Box 12: SKIP this question if the address where you live has a street name and number (such as "100 Maple Street"). If you have a rural route or star route address, please draw a simple map that shows the nearest crossroads or street intersection and where your residence is located. If you don't live in a house or other building, please draw a map that shows where you usually sleep, and the nearby streets.

Registration Deadlines:
This application must be postmarked (or hand delivered to your county registration office) no later than 29 days before the next election. If your county registration office receives this application after that day, you will not be able to vote in the next election. If you miss this deadline, your registration application will be processed when registration reopens.

Questions?
Call your county voter registration office or the Indiana Election Commission for assistance.

Indiana Election Commission
Room E032 Government Center South
302 West Washington Street
Indianapolis, Indiana 46204-2738
(317) 232-3939 or
(800) 622-4941 - In Indiana only

Please PRINT in blue or black ink.

1	Check any that apply: ☐ new registration ☐ address change ☐ name change	**2**	County where you live:	OFFICE USE ONLY	Date Processed: ___/___/___	Township\Precinct:	Voter Identification Number:

3	Mr. Mrs. Miss Ms.	Last Name	First Name	Middle Name(s)	Suffix Jr. Sr. II III IV

4	Address - Street (or route and box number)	Apt or Lot #	City/Town	State IN	Zip Code
5	Your mailing address (If Different From Box 4) If same, print "SAME".		City/Town	State	Zip Code

6	Date of Birth __/__/__ Month Day Year	**7**	Telephone Number (optional) ( )	**8**	Social Security Number (optional) - -	**9**	Would you like to be a pollworker? (Optional) ☐ Yes ☐ No

10 Previous voter registration address, if any.
County
Address - Street (or route and box number) | City/Town | State/Zip

11 If this is an application for a name change, what was your name before you changed it? If not, skip this question.
Title | Last Name | First Name | Middle Name(s) | Suffix

12 Map/Diagram: If your residence has no address street number or name (such as "100 Maple Street), please draw a map of where your residence is located. Include roads and landmarks. If not, skip this question.

I authorize my voter registration at any other address to be cancelled.
I swear or affirm that:
- I am a citizen of the United States.
- I will be at least 18 years of age at the next general election.
- I will have lived in my precinct for at least 30 days before the election.
- I am not currently in prison after being convicted of a crime.
- The above information and all the other statements on this form are true.
  I understand that if I sign this statement and I know that it is not true I am commiting perjury. I can be fined up to $10,000, jailed up to three years, or both.

____
Applicant's Signature

Date: ________________
Month/Day/Year

If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address, and phone number (phone number is optional)

____

____

46917

CIVICS at Work

The Agency for Instructional Technology is a nonprofit U.S.-Canadian corporation established in 1962. Its mission is to foster learning through the development, acquisition, and distribution of quality electronic technology-based resources and services; and by providing leadership to the educational technology policy community.

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